

GILA COUNTY MERIT SYSTEM RULES AND POLICIES

RULE 1 – Definitions

1. The following words and phrases used in these Rules have the defined meanings hereinafter set forth unless clearly indicated otherwise in the context.
 - 1.1 **“Agency”**: Any department, board, office, authority, commission or governmental budget unit operated within the governmental structure of Gila County.
 - 1.2 **“Allocation”**: The assignment of a position to an appropriate classification on the basis of the duties and responsibilities assigned to the position.
 - 1.3 **“Appeal”**: A written request filed with the Commission by an employee to challenge a suspension, demotion or dismissal or to request relief from certain alleged unfair acts or conditions as set forth by these Policies.
 - 1.4 **“Appellant”**: The employee filing an Appeal with the Commission.
 - 1.5 **“Applicant”**: A person who has filed an application for employment.
 - 1.6 **“Appointing Authority”**: The single administrative or executive head of a County department, office, authority or governmental budget unit operated within the governmental structure of Gila County, or designee of same.
 - 1.7 **“Appointment”**: The offer and acceptance by a person of any position in the County classified service in accordance with these Rules.
 - 1.8 **“Armed Forces”**: The United States Air Force, Army, Navy, Marine Corps, Coast Guard, or Arizona National Guard.
 - 1.9 **“Board”**: The Gila County Board of Supervisors.
 - 1.10 **“Candidate”**: An applicant approved for participation in an examination.
 - 1.11 **“Certification”**: The referral of the names of qualified eligibles by the Personnel Director to the Appointing Authority.
 - 1.12 **“Class”**: A position or group of positions sufficiently similar in duties and responsibilities that the same requirements for education, experience, knowledge, ability and other qualifications may be demanded of the occupants so that the same compensation schedule can be applied with equity.

- 1.13 **“Class Specification”**: The official description of the type and level of duties and responsibilities of positions assigned to a class and the necessary qualifications which a person must have for performing those duties.
- 1.14 **“Classification Plan”**: The orderly arrangement of positions under separate and distinct classes on the basis of current duties and responsibilities.
- 1.15 **“Classified Service”**: All positions in the County service, except those expressly exempt or designated as unclassified by these Rules or by statute.
- 1.16 **“Commission”**: The Gila County Personnel Commission.
- 1.17 **“Compensation”**: The salary, wage, allowances and all other forms of valuable consideration earned by or paid to an employee except reimbursement for necessary expenses which have been authorized and incurred.
- 1.18 **“Compensatory Time”**: Time off from work granted to an employee in lieu of monetary payment for hours worked in excess of the employee’s regularly scheduled hours in his or her designated work period.
- 1.19 **“Continuous Recruitment”**: Recruitment under which applications are received continuously after announcement has been made to that effect.
- 1.20 **“County”**: The Gila County Government.
- 1.21 **“Days”**: Calendar days unless these Rules otherwise explicitly provide.
- 1.22 **“Demotion”**: A change in the assignment of an employee from a position in one class to a position in another class having a lower range of pay resulting from disciplinary action.
- 1.23 **“Department”**: A County governmental unit under the control of an Appointing Authority which has a separate operating budget approved by the Board of Supervisors.
- 1.24 **“Detail to Special Duty”**: The assignment of a regular status employee on an interim basis to a position of higher grade to meet a need for a determined time as provided for in these Rules.
- 1.25 **“Director”**: The Gila County Personnel Director.

- 1.13 **“Discharge or Dismissal”**: The involuntary separation of a person from County employment as a result of unsatisfactory service.
- 1.14 **“Eligible”**: A person who has attained a passing score on an examination for a specific class and/or has qualified to be placed on a registry for certification.
- 1.15 **“Emergency Appointment”**: An appointment made during an actual emergency to prevent the impairment of public business.
- 1.16 **“Employee”**: A person who is paid a wage, salary or stipend from public monies in accordance with official entries on a County payroll.
- 1.17 **“Examination”**: The evaluation process used to measure the qualifications and determine the relative excellence of Candidates.
- 1.18 **“Examination Announcement”**: The official public issuance of notice to give Examination either on a scheduled or continuous basis to fill positions as they are, or become, vacant in the County service.
- 1.19 **“Grievance”**: A complaint by an employee of the County concerning the interpretation and application of policies governing personnel practices and procedures, departmental work rules, unsafe or unhealthy working conditions, alleged discrimination or alleged improper treatment.
- 1.20 **“Hearing Officer”**: A person appointed by the Commission or its chairman as a Hearing Officer or any member of the Commission designated by it or its chairman as a Hearing Officer.
- 1.21 **“Layoff”**: The separation of an employee for reasons of shortage of funds or work by reason of a bona fide abolishment of a position, change in duties of the position or reorganization within the agency.
- 1.22 **“Military Leave”**: The leave of absence status of a regular status or probationary employee who leaves a position to serve in the Armed Forces of the United States or of this state in time of national emergency or state emergency or for military training and who has the right under statutes relating to reinstatement of a person after military service to return to his/her position or a like position.
- 1.23 **“Pay Period”**: A two (2) calendar week period of time during which an employee is granted compensation according to the actual time worked.
- 1.24 **“Pay Plan”**: The County Pay Plan which assigns an appropriate salary range to each class of position.

- 1.25 **“Policies”**: The Gila County Merit System Rules and Policies as adopted from time to time by the Gila County Board of Supervisors.
- 1.26 **“Position”**: A specific office or employment, whether occupied or vacant, involving duties requiring the services of one person.
- 1.27 **“Probation”**: A specific period of employment following appointment, reemployment, transfer, promotion, or demotion. It is the final step in the examination process during which the work performance of an employee is evaluated.
- 1.28 **“Probationary Employee”**: An individual who is employed in a position and who has not completed his or her period of probation.
- 1.29 **“Promotion”**: A change in the assignment of an employee from a position in one class to a position in another class having a higher range of pay.
- 1.30 **“Provisional Appointment”**: The appointment of a qualified person on an interim basis not to exceed six (6) months to a position under these Rules without a competitive examination.
- 1.31 **“Provisional Employee”**: An employee who has received a Provisional Appointment but has not been examined or certified.
- 1.32 **“Reallocation”**: Changing the classification of an existing position when a material and permanent change in the duties or responsibilities of the position occurs.
- 1.33 **“Reemployment”**: The return to the County Classified Service of a former employee who resigned in good standing from the County Classified Service.
- 1.34 **“Register”**: An official list of eligibles for a particular class or group of classes, placed in order of excellence according to results of the examination, which shall be used by the Appointing Authority for selection for appointments to positions in the County Classified Service.
- 1.35 **“Regular Status”**: The status an employee achieves after the successful completion of the initial probationary period.
- 1.36 **“Reinstatement”**: The return to the County Classified Service of a former employee in the County Classified Service who was separated by layoff.

- 1.37 **“Respondent”**: The County agency or agencies whose interests are adverse to those of the Appellant or who will be directly affected by the Commission’s decision.
- 1.38 **“Reversion”**: The return of an employee on promotional probation to a position in the class in which the employee held regular status immediately prior to the promotion.
- 1.39 **“Rules”**: The Gila County Merit System Rules and Policies as adopted from time to time by the Board of Supervisors and/or the Gila County Personnel Commission.
- 1.40 **“Seasonal Appointment”**: The appointment or reappointment of persons to meet regular recurring seasonal or intermittent needs.
- 1.41 **“Separation Without Prejudice”**: The removal, without appeal rights, of an employee from the County Service due to a reduction in force, the lack of a position for an employee requesting to return from leave without pay, or the inability of an employee to return to work at the conclusion of a leave without pay.
- 1.42 **“Suspension”**: The temporary separation of an employee from a position for disciplinary reasons.
- 1.43 **“Temporary Appointment”**: Appointment to meet a temporary program need.
- 1.44 **“Transfer”**: A change in the assignment of an employee from one department or from one position to another position in the same or lower grade for reasons other than disciplinary action.
- 1.45 **“Unclassified”**: A position in the County service which has been designated as unclassified because of the nature of its appointment and/or responsibilities which is exempt from the provisions of these policies unless otherwise specified.
- 1.46 **“Vacancy”**: An allocated position in the County service which has become vacant due to the resignation, transfer or termination of an employee; or a newly allocated position which has not yet been filled.
- 1.47 **“Veteran”**: Any person separated from active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps or Coast Guard) under honorable conditions.

- 1.48 **“Wages”**: For the purposes of these Rules, wages shall be defined as provided in A.R.S. §23-350(5).
- 1.49 **“Work Period”**: A fixed and regularly recurring period upon which overtime compensation may be calculated.

RULE 2 – Declaration of Personnel Policy

2.1 Statement of Intent and Authorities:

- A. These Rules, as well as all other expressions of County policy, are not intended to create any contractual rights or obligations and do not promise or imply any fixed term or continuation of employment.**
- B. No oral agreements or understandings or promises exist, and if such are or have been made, they are not authorized unless in writing by the Board of Supervisors. No oral or written statements by any Gila County manager or supervisor that conflict with anything in these Rules is binding upon the Gila County Board of Supervisors.**
- C. These Rules are intended to provide guidance and direction and are not to be construed as creating enforceable legal rights.**

2.2 Modification by the Board of Supervisors: The policies, practices and procedures contained herein or elsewhere may be modified or terminated at any time by the Gila County Board of Supervisors for any reason.

2.3 Principles and Policies: The following personnel principles, policies and procedures are established by the Gila County Board of Supervisors.

- A. No hiring authority other than the Board of Supervisors has any authority to enter into any agreement for employees for any specified period of time, or to make any employment agreement contrary to these Rules except as ratified by the Board of Supervisors.
- B. Employment in the County workforce shall be based on qualifications and free of personal and political considerations.
- C. Employment shall comply with the Equal Opportunity Employment Act of 1972, the Fair Labor Standards Act of 1985 as amended, the Immigration Reform and Control Act of 1986, the Americans With Disabilities Act of 1990, the Civil Rights Act of 1991, as well as other Federal and State laws, rules, regulations and orders, which prohibit discrimination on the basis of race, sex, color, age, religion, disability, Vietnam or disabled veteran status, national origin and applicable state statutes.

- D. Positions having similar duties and responsibilities shall be classified and compensated for on an equitable basis.
 - E. Every effort shall be made to stimulate high morale by fair administration of this article and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the County.
- 2.4 Replacement of Prior Rules: These Rules supersede all previous rules, policies and procedures, which have applied to employees. All rules, policies and procedures adopted on a departmental basis will remain in full force and effect, except to the extent that the same are in conflict with these Rules.
- 2.5 Severability: If any provision of these Rules or their application to any persons or circumstances is held invalid, the remainder of the Rules or the application of such provisions to other persons or circumstances, shall not be affected.
- 2.6 Conflict with Federal and State Laws, Regulations, Statutes, or Standards: Any provisions of these Rules which conflict or are inconsistent with Federal and State laws, regulations, statutes or standards shall be deemed null and void.
- 2.7 Exemptions: These Rules shall apply to all classified positions in the County service. Unclassified positions are not covered by these Rules unless otherwise specified. Unclassified positions include but are not limited to:
- A. County Administrator;
 - B. Clerk of the Board of Supervisors;
 - C. Elected Officials;
 - D. Department Directors;
 - E. Chief Deputy to Elected Officials;
 - F. Administrative Assistants to Directors/Elected Officials;
 - G. Executive secretaries;
 - H. Undersheriff;
 - I. Deputy County Attorney;
 - J. Probationary and temporary employees;

Should any position covered by these Rules become an exempt position under these Rules, either by operation of law or amendment done pursuant to these Rules, any employee occupying such position at the time of the change may elect to remain covered by the Rules. Such election must be made in writing and submitted to the Personnel Director within thirty (30) days of notification of the change in status of the position.

- 2.8 Delegation of Authority: Unless otherwise stated by law or in these Rules, an Appointing Authority may delegate any authority granted to the Appointing Authority in the Rules.

- 2.9 Service of Notice: Unless otherwise provided by law or these Rules, whenever any notice, paper or document is to be served upon any person, party or agency by the Director, such service may be accomplished by any of the following methods:
- A. Personal service;
 - B. Service by certified or registered mail;
 - C. Service by first class mail;
 - D. Service by any other method designated by the Director which will provide reasonable notice of the matter.

RULE 3 – Personnel Commission

- 3.1 Members of the Commission shall be selected from among the qualified electors of the County and shall be familiar with the Merit System Rules and Policies. No more than three (3) of such members shall be from the same political party.
- 3.2 Each member shall hold office for a term of four (4) years or until his successor is appointed and qualified. Of the members first appointed, two (2) shall serve for a two (2) year term, two (2) for a three (3) year term, and one shall serve a four (4) year term, and such members shall determine, by lot, the length of their terms. Appointment to fill a vacancy caused by other than expiration of term shall be for the unexpired portion of the term.
- 3.3 A member of the Commission may be removed by the Board for cause. Any one of the following shall constitute the resignation of a Commissioner and authorize the Board to appoint a new member to fill the unexpired term so vacated:
 - A. Absence from three (3) consecutive quarterly meetings;
 - B. Becoming a candidate for any elective public office;
 - C. Accepting any appointive office or employment in County service.
- 3.4 The Commission shall elect one (1) of its members Chairperson. Three (3) members shall be present to constitute a quorum for the transaction of business. A majority of the quorum shall constitute a majority vote.
- 3.5 The Commission shall perform duties as are necessary to carry out the provisions of these Rules. In addition to the duties imposed upon it elsewhere, it shall be the duty of the Commission:
 - A. To suggest such Rules as it may find necessary or appropriate for administration of the Merit System Rules and Policies;
 - B. To advise the Board and Director of problems concerning personnel administration;
 - C. To advise and assist in fostering the interest of institutions of learning, civic, professional, and employee organizations in the improvement of personnel standards in the County service;
 - D. To make annual reports and such special reports as it considers desirable to the Board regarding personnel administration in the County service and recommendations for improvements.
- 3.6 Meetings: The Commission shall hold meetings in accordance with the Arizona Open Meeting Act, A.R.S. §38-431, et.seq.
 - A. The Commission shall meet at such times and places as shall be specified by call of a majority of the Commission or Chairperson;

- B. At least one (1) meeting shall be held in each quarter;
 - C. All meetings shall be open to the public;
 - D. At least five (5) days' written notice of each meeting shall be given by the Personnel Director to each member not joining in the call;
 - E. Three (3) members shall constitute a quorum for the transaction of business.
- 3.7 Agenda: All matters to be presented for consideration by the Commission at a regular or special meeting shall be placed on the Commission's agenda without undue delay. The agenda shall be mailed to each member of the Commission and shall be posted in accordance with A.R.S. §38-431.02.
- 3.8 Minutes: The Director shall provide for the recording of the official actions of the Commission in its minutes. The time and place of each meeting of the Commission, the commissioners present, all official acts of the Commission, and when requested, a commissioner's dissent and their reasons shall be recorded in the minutes. The Director shall cause the minutes to be transcribed and presented for approval or amendment at the next meeting. The minutes or a true copy thereof shall be open to public inspection.

RULE 4 – Discrimination in Employment

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

- 4.1 Statement of Policy: Gila County shall not discriminate against an individual in violation of State or Federal law or regulation in terms of race, color, religion, sex, age, national origin, disability, or Vietnam or disabled veteran status.
- 4.2 Discipline: Any employee found to have subjected another employee to discrimination as defined by this Rule shall be subjected to disciplinary action up to and including dismissal in accordance with the provisions of these Rules.
- 4.3 Reprisals: An employee shall not take any disciplinary or punitive action against another employee which impedes or interferes with that employee's exercise of any right granted under the law or these Rules. Any employee or agency representative who is found to have acted in reprisal toward an employee as a result of the exercise of the employee's rights may be suspended without pay for a period not to exceed 30 days or dismissed.
- 4.4 Sexual Harassment: The purpose of this policy is to clearly establish Gila County's opposition to and disapproval of any unwanted actions and advances of a sexual nature arising out of the work place situation which adversely impacts an employee's ability to perform the duties of his/her position. This policy also provides a mechanism to employees for filing complaints of sexual harassment.
 - A. All employees of Gila County, regardless of sex, have a right to work in an environment free of unsolicited advances, innuendoes and actions of a sexual nature which create a hostile or offensive working environment or which otherwise impair their ability to perform their assigned duties.
 - B. Sexual harassment is defined as:
 - 1. Unwelcome or unwanted sexual advances including petting, pinching, brushing up against, hugging, cornering, kissing, fondling or any physical conduct considered unacceptable by another individual.
 - 2. Unwelcome or unwanted requests or demands for sexual favors, including subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by implied or negative consequences concerning ones employment status.
 - 3. Verbal abuse, bantering or teasing that is sex oriented and is considered unacceptable by another individual. This includes innuendoes, jokes, sexual oriented comments that offend others.

4. Displaying an intimidating, hostile or offensive attitude because of rejected sexually oriented demands, requests, physical contact or attention.
 5. Interfering with a co-worker's performance by exchanging unwanted sexual attentions, or sexually oriented conduct that reduces personal productivity or safety on working time.
 6. Condoning a working environment that is not free of sexually oriented innuendoes, or any other actions of a sexual nature that could offend others.
- C. Reporting a Complaint.
1. Every employee of Gila County has an affirmative duty to maintain a work place free of harassment and intimidation. Complaints or reports of sexual harassment should be taken by an employee directly to the Personnel Director. Supervisors or department heads who receive complaints or reports of sexual harassment must immediately inform the Personnel Director of such complaints. The Personnel Director will expedite an investigation into the allegations. Confidentiality of all parties involved in a sexual harassment charge shall be respected, except to the extent that it does not interfere with the County's legal obligation to investigate allegations of misconduct and to take appropriate action.
 2. After investigation, the Personnel Director will issue a written finding. If a basis is found for the complaint, the Personnel Director shall make recommendations of disciplinary action up to and including dismissal of the offending party in accordance with the provisions of Gila County Merit System Rules and Policies.
 3. If no basis is found for the complaint, the complaining employee shall be notified in writing. Classified employees may file a grievance in accordance with Rule 22.1.A to the Personnel Commission within ten (10) days of receiving such notification. Any such review by the Personnel Commission shall be conducted according to time limits and other limitations imposed by the Gila County Merit System Rules and Policies. Unclassified employees have no grievance appeal rights.
- D. Discipline. Any employee found to have subjected another employee to sexual harassment as defined by this policy shall be subjected to disciplinary action up to and including dismissal in accordance with the provisions of the Gila County Merit System Rules and Policies.
- E. Responsibility.
1. It shall be the responsibility of employees who believe they have been subjected to sexual harassment, as defined by this policy, to bring such alleged harassment to the attention of the Personnel Director.
 2. Supervisors and Department Heads who become aware formally or informally of situations which could potentially involve sexual harassment must notify the Personnel Director immediately.

3. It shall be the responsibility of the Personnel Director to enforce the provisions of this policy and make such investigations as he/she deems appropriate.
4. Reprisals, in any form, by any employee or supervisor against any complaining employee or participating witness shall not be tolerated.
5. It shall be the responsibility of all Elected Officials and Department Heads to ensure compliance and enforcement of the provisions of this policy within their respected departments.

4.5 Other Harassment and Discrimination. This section is to clearly establish that Gila County adheres to all Federal and State laws prohibiting unlawful harassment and/or discrimination. It is the policy of Gila County to treat each employee equitably, to provide communication channels to resolve harassment and discrimination concerns, and thereby support a safe and productive work environment for all County employees.

- A. Gila County prohibits discrimination and harassment based upon race, sex, color, age, religion, disability, Vietnam or disabled veteran status, national origin and applicable state statutes.
- B. This policy shall extend its coverage to all employees in the classified and unclassified services as defined in the Gila County Merit System Rules and Policies without regard to status.
- C. The following lists identify some examples of potential harassment or discrimination covered by this policy. This list is not all inclusive and other situations not included here may also constitute harassment and/or discrimination.
 1. Discriminatory employment decisions – in the absence of a bona fide occupational qualification, or ability to reasonably accommodate, basing employment decisions such as hiring, promotions, terminations, transfers, reduction in force, etc., on non-job related criteria.
 2. Jokes, stories, comments, pictures, e-mail, publications, etc., portraying an individual or group of individuals in a negative light.
 3. Exclusion – in the absence of a bona fide occupational qualification, or ability to reasonably accommodate; excluding or ostracizing people from workplace or work related activities.
- D. The reporting, discipline and responsibility procedures for any alleged discrimination or harassment are the same as Rule 4.4.D.E. and F.

RULE 5 – Claims of Constructive Discharge (A.R.S. §23-1502)

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

- 5.1 As a precondition to the right to bring a constructive discharge claim against Gila County, employees are required to take each of the following actions before deciding whether to resign:
 - A. The employee must notify the Personnel Director, in writing, that a working condition exists that the employee believes is objectively so difficult or unpleasant that the employee feels compelled to resign or intends to resign.
 - B. Following that, Gila County must be given at least fifteen (15) calendar days to respond in writing to the employee's written communication. Gila County's response is *not* deemed an admission by Gila County that it committed any act that gives rise to any claims or cause of action by the employee.
 - C. Once Gila County has responded, the employee must read and consider the response.
- 5.2 An employee may use available Annual or Compensatory time of up to fifteen (15) calendar days while waiting for the employer to respond to the employee's written communication about the employee's working condition. If no leave is available, an employee may take unpaid leave of up to fifteen (15) days.

NOTICE

AN EMPLOYEE IS ENCOURAGED TO COMMUNICATE TO THE EMPLOYER WHENEVER THE EMPLOYEE BELIEVES WORKING CONDITIONS MAY BECOME INTOLERABLE TO THE EMPLOYEE AND MAY CAUSE THE EMPLOYEE TO RESIGN. UNDER SECTION 23-1502, ARIZONA REVISED STATUTES, AN EMPLOYEE MAY BE REQUIRED TO NOTIFY AN APPROPRIATE REPRESENTATIVE OF THE EMPLOYER IN WRITING THAT A WORKING CONDITION EXISTS THAT THE EMPLOYEE BELIEVES IS INTOLERABLE, THAT WILL COMPEL THE EMPLOYEE TO RESIGN OR THAT CONSTITUTES A CONSTRUCTIVE DISCHARGE, IF THE EMPLOYEE WANTS TO PRESERVE THE RIGHT TO BRING A CLAIM AGAINST THE EMPLOYER ALLEGING THAT THE WORKING CONDITION FORCED THE EMPLOYEE TO RESIGN.

UNDER THE LAW, AN EMPLOYEE MAY BE REQUIRED TO WAIT FOR FIFTEEN CALENDAR DAYS AFTER PROVIDING WRITTEN NOTICE BEFORE THE EMPLOYEE MAY RESIGN IF THE EMPLOYEE DESIRES TO PRESERVE THE RIGHT TO BRING A CONSTRUCTIVE DISCHARGE CLAIM AGAINST THE EMPLOYER. AN EMPLOYEE MAY BE ENTITLED TO PAID OR UNPAID LEAVE OF ABSENCE OF UP TO FIFTEEN (15) CALENDAR DAYS WHILE WAITING FOR THE EMPLOYER TO RESPOND TO THE EMPLOYEE'S WRITTEN COMMUNICATION ABOUT THE EMPLOYEE'S WORKING CONDITION.

RULE 6 – Standards of Conduct

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

- 6.1 General. In addition to statutory prohibited conduct, a violation of the standards of conduct listed in sub-section 2, 3 and 4 below, is cause for discipline or dismissal of a County employee.
- 6.2 Required Conduct. County employees shall:
 - A. Maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, prejudice, personal ambition, favoritism, or partisan demands.
 - B. Be courteous, considerate and prompt in dealing with and serving the public.
 - C. Conduct themselves in a manner that will not bring discredit or embarrassment to the County.
- 6.3 Prohibited Conduct. County employees shall not:
 - A. Use their official position for personal gain or attempt to use, or use, confidential information for personal advantage.
 - B. Permit themselves to be placed under any kind of personal obligation which could lead any person to expect official favors.
 - C. Perform any act in a private compensated capacity related to the employee's scope of work at the County which may be construed to be an official act without prior written approval of the Board of Supervisors.
 - D. Accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, designed to influence the employee's official conduct. This provision does not prohibit acceptance by an employee of food, refreshments, or unsolicited advertising or promotional material of nominal value.
 - E. Directly or indirectly use or allow the use of County property of any kind, including property leased to the County, for other than official activities. All employees have a positive duty to protect and conserve County property, including equipment, supplies, and other property entrusted or issued to them.
 - F. Engage in outside employment or other activity which is not compatible with the full and proper discharge of the duties and responsibilities of County employment, or which tends to impair the employee's capacity to perform the duties and responsibilities in an acceptable manner.
 - G. Inhibit a County employee from joining or refraining from joining an employee organization.

6.4 Conflict of Interest.

- A. Conflict of interest laws (A.R.S. §38-501 et.seq.) must be scrupulously observed. Employees must disclose their interest, if any, in the official records of Gila County and shall not participate in or vote for any contract, sale, purchase, or service in which they have an interest.

RULE 7 – Political Activity

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

7.1 Statement of Policy. Gila County employees have the right to vote as they choose and to entertain and express personal opinions about political candidates. When performing their duties on behalf of Gila County, employees must refrain from political activity while on duty or at public expense. This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status.

7.2 Scope.

- A. Prohibitions and Exceptions. No employee of Gila County shall:
 - 1. Use any political endorsement in connection with any appointment to a position in County service; or
 - 2. Use or promise to use any official authority or influence for the purpose of influencing the vote or political action of any person for any consideration; or
 - 3. Be a candidate for nomination or election to any paid partisan public office, or take any part in the management of any political campaign or recall effort; or
 - 4. Except for expressing his/her opinion or pursuant to A.R.S. §16-402, engage in activity permitted by this order while on duty, or at public expense.
- B. When an employee, as defined by this policy, publicly declares himself a candidate, allows himself to be held out as a candidate, or circulates nomination petitions or allows nomination petitions to be circulated on his or her behalf, (s)he must resign his position from County employment. Public declaration or announcements means making a statement in the print or electronic media, or at a public meeting or gathering.
- C. Any employee during off duty hours may:
 - 1. Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.
 - 2. Make, solicit, or encourage contributions to candidates, political parties or campaign committees contributing to candidates or advocating the election or defeat of candidates.
 - 3. Sign and/or circulate candidate nomination or recall petitions.

- D. Nonpartisan Political Activity. County employees may be a candidate for and may serve in a nonpartisan elected or appointed public office, whether paid or not, including, but not limited to school boards, community college district governing boards and city or town councils, subject to A.R.S. §38-501 et seq. However, a County employee shall be prohibited from engaging in any activity resulting from the nonpartisan election or appointment to public office that is in any way adverse to or in conflict with the policies or interests of Gila County.
- E. Penalties. A County employee who violates any provision of these policies shall be subject to suspension of not less than seven (7) days nor more than thirty (30) days or dismissal from County service.
- F. Protection of Civil Liberties. Nothing contained in these policies shall be construed as denying any County employee their civil or political liberties as guaranteed by the United States and Arizona Constitutions.
- G. Employees not Qualified for Exemption. Employees subject to the Hatch Act are prohibited from taking active part in political management or in political campaigns; this includes the holding of the office of precinct committeemen, ward committeemen, etc., or service on or for any committee of a political party organization. An employee is subject to the Hatch Act if his/her salary is paid in whole or part through federal grants or federal monies other than revenue sharing funds.
- H. Precinct Committeemen. Employees in both the classified or unclassified service who are not subject to the Hatch Act may hold the office of precinct committeeman or any derivative office.
- I. Retaliatory Conduct Prohibited.
 - 1. A person shall not solicit any employee to engage or not engage in activities permitted by this order with the direct or indirect use of any threat, intimidation or coercion including threats of discrimination, reprisal, force or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation.
 - 2. A person shall not subject any employee engaging in activity permitted by this order to any direct or indirect discrimination, reprisal, force, coercion, intimidation or any other adverse consequences including the loss of any benefit, reward, promotion, advancement or compensation.
 - 3. A person shall not subject any employee who chooses not to engage in any activity permitted by this order to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation.
- J. Use of County Resources.
 - 1. No County expenditure (direct or indirect) may be used to influence the outcome of an election. A.R.S. §11-410(A). This prohibition includes any use of County resources, including but not limited to personnel, equipment, material, building or other resource on behalf of one candidate vs. another candidate, or for or against a proposition or measure.

2. No public resources may be expended or directed for private benefit. (Const. Art. IX, Sec. 7). A partisan campaign is a personal or private endeavor. Aid, whether by direct or indirect use of County funds or resources, to any private or partisan campaign is in violation of the Constitution. Such a use of County funds or resources directly or indirectly for a partisan campaign is not within any of the County's powers granted by the State. (e.g., A.R.S. §11-251 et seq).
- K. Electioneering or influencing the outcome of an election.
1. Arizona Revised Statutes do not offer specific definitions, but rely on common sense interpretations of these words and applying them to the specific fact situation to determine if political activity or electioneering has occurred, or if the outcome of an election has been influenced. Nevertheless, even neutral activities can be perceived as advocacy instead of informational. Neutral activities must be examined on a case by case basis and may be considered to be political activity or electioneering depending on the nature, tenor and timing of the activity, the audience being targeted, and whether or not the activity may bestow an unfair advantage on one of several competing interests.
 2. Only neutral, factual information on the election may be provided on duty or using any County resource (including but not limited to telephone, copiers, vehicles, office, fax, signs, etc.) Bumper stickers related to an election may be placed on private vehicles but not on County vehicles.
 3. The County will restrict its public information and advertising (on the internet web site or telephone voice mail systems) to neutral information and may distribute 1) the official action of the Board of Supervisors documenting their actions on the question, calling the election and canvass of returns; 2) publicity pamphlet; 3) sample ballots; 4) early voting requests. All of these communication tools will be scripted for neutral messaging and advising citizens if they are interested in how they can request any of these materials.
 4. No County offices, resources or property will be used to influence the outcome of an election.
 5. No petitions for the purpose of collecting signatures will be displayed or circulated on any County property.
 6. No campaign signs will be placed on any County property.
 7. No advertising or flyers pro or con about an election, candidates or ballot issues will be available or distributed at any County facility. Advertising, flyers or campaign signs displayed on any County property or displayed within 75 feet of the main entrance of an early voting site may be removed and disposed of without prior notification to any individuals or parties. The County is not obligated to notify any individuals or parties of the removal or disposal of advertising, flyers or campaign signs after the removal has taken place. The County is not obligated to return any removed advertising, flyers or campaign signs to any individual or party.

RULE 8 – Employment of Relatives

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

- 8.1 Pursuant to A.R.S. §38-481, no official of the County, whether elected or appointed, shall appoint or vote for the appointment of any person related by marriage or consanguinity within the third degree.
- 8.2 Additionally, it shall be the County policy that no person who is related by marriage or consanguinity within the third degree to another within the County service shall supervise or be supervised by that person.

RULE 9 – Computing Use and Ethics

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee. **To ensure compliance with this policy, computer and e-mail usage may be monitored at any time. Employees have no expectation of privacy when using County-provided equipment.**

9.1 Conditions of Use.

- A. To protect the integrity of Gila County's computing facilities and the users thereof against unauthorized or improper use of those facilities, the County reserves the right, without notice, to limit or restrict any individual's use, and to inspect, copy, remove or otherwise alter any data, file, or system resource which may undermine the authorized use of any computing facility. The County also reserves the right to periodically authorize specific personnel to check any of the County's computer systems and any other rights necessary to protect its computing facilities. The County disclaims responsibility for loss of data or interference with files resulting from its efforts to maintain the privacy and security of those computing facilities.
- B. As used herein and in the policy on computing ethics below, the term "computing facility" means, refers to and includes any and all forms of computer-related equipment, tools and intellectual property, including computer systems, personal computers and computer networks and all forms of software, firmware, operating software and application software, which is owned by Gila County or is under the County's possession, custody or control. Users of the County's computing facilities are required to comply with and, by using any such facilities, agree to comply with and be subject to the Gila County Policy on computing ethics and these conditions of use. The County reserves the right to amend these conditions and policies at any time without prior notice.

9.2 Policy on computing ethics.

- A. Several users share the computing facilities of Gila County. These facilities must be used responsibly by everyone, since misuse by even one individual has the potential to disrupt County wide business. You are therefore required to exercise responsible, ethical behavior when using the County's computing facilities. This includes, but is not limited to the following:

1. You must use only those computer resources which you have been individually authorized to use by your immediate supervisor. The unauthorized use of computer resources, as well as the providing of false or misleading information for the purpose of obtaining access to County computing facilities, is prohibited and may be regarded as a criminal act and treated accordingly by the County. You must not use County computing facilities to gain unauthorized access to computing facilities of other institutions, organizations or individuals.
2. You may not authorize anyone to use your computer accounts for any reason. You are responsible for all use of your accounts. You must take all reasonable precautions, including password maintenance and file protection measures, to prevent use of your account by unauthorized persons. You must not, for example, share your password with anyone else.
3. You must use your computer resources only for the purposes for which they were authorized. For example, accounts may not be used for private consulting. You must not use your computer resources for unlawful purposes, such as the installation of fraudulently or illegally obtained software. Use of external networks connected to the County's networks must comply with the policies of acceptable use promulgated by the organizations responsible for those networks.
4. You must not access, alter, copy, move or remove information, proprietary software or other files (including programs, members of subroutine libraries, data and electronic mail) without prior authorization from the appropriate departmental supervisor or his/her designee. You must not copy, distribute, display or disclose third party proprietary software without prior authorization from the licensor. Proprietary software must not be installed on systems not properly licensed for its use.
5. You must not use any computing facility irresponsibly or needlessly affect the work of others. This includes transmitting or making accessible offensive, annoying or harassing material; intentionally, recklessly or negligently damaging any system; intentionally damaging or violating the privacy of information not belonging to you; intentionally misusing system resources or allowing misuse of system resources by others; or loading software or data from untrustworthy sources, such as free-ware, on to administrative systems.
6. You are encouraged to report any violation of these guidelines by another individual and any information relating to a flaw in or bypass of computing facility security to your immediate supervisor or his/her designee.

9.3 Internet Usage

- A. Internet access to global electronic information resources on the World Wide Web is provided by Gila County to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. All Internet usage is limited to job-related activities. Personal use of the Internet is not authorized.
- B. All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of Gila County and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.
- C. The equipment, services, and technology provided to access the Internet remain at all times the property of Gila County. As such, Gila County reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.
- D. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law. The unauthorized use, installation, copying or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not obtained authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.
- E. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.
- F. Abuse of the Internet access provided by Gila County in violation of law or Gila County policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:
 - 1. Sending or posting discriminatory, harassing, or threatening messages or images;
 - 2. Using the organization's time and resources for personal gain.

9.4 Computer and E-mail Usage.

- A. Computers, computer files, the e-mail system, and software furnished to employees are Gila County property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail usage may be monitored.
- B. Gila County strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, Gila County prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.
- C. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.
- D. Gila County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Gila County does not have the right to reproduce such software for use on more than one computer.
- E. Employees may only use software on local area networks or on multiple machines according to the software license agreement. Gila County prohibits the illegal duplication of software and its related documentation.
- F. Employees should notify their immediate supervisor, the Personnel Director or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.
- G. The unauthorized or improper use of the Gila County facilities, including the failure to comply with the above guidelines, constitutes a violation of County policy and will subject the violator to disciplinary and/or legal action by the County, and, in some cases, criminal prosecution. In addition, the County may require restitution for any use of service which is in violation of these guidelines.
- H. Any questions about this policy or of the applicability of this policy to a particular situation should be referred to the Manager of Information Technology or his/her designee.

RULE 10 – Drugs and Alcohol

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

10.1 Policy:

- A. The Board of Supervisors of Gila County is committed to programs that promote safety in the workplace, employee health and well-being, and public confidence. Consistent with the spirit and intent of this commitment, Gila County has a zero tolerance policy when it comes to the use, possession, or distribution of drugs and alcohol on the job by employees. Employee abuse of drugs and alcohol adversely affects job performance and employee morale, jeopardizes employee safety, and undermines public confidence. The goal of this policy is to establish and maintain a safe workplace and a healthy and efficient workforce free from the effects of drug and alcohol abuse.
- B. With respect to mandated drug and alcohol testing of CDL operators, the provisions of this policy affecting CDL operators complies with the Omnibus Transportation Employees Drug Testing Act of 1991 and in accordance with Title 49 Code of Federal Regulations, Parts 40, 382 and 391, Subpart H.

10.2 Employees Subject to Testing:

- A. The Post-Accident and Reasonable Suspicion provisions of this policy shall apply to all County employees. Additionally, the positions noted below are designated as “Safety Sensitive” and shall be subject to the Pre-Employment and Random testing of this policy.
 - 1. CDL Operator
 - 2. AZ POST certified officers and any employee who is issued a departmental weapon
 - 3. Detention Officer

10.3 Prohibitions:

- A. Employee abuse of alcohol or controlled substances compromises the safety of employees and the public it serves. Gila County prohibits the manufacture, use, sale, distribution, presence in the body, and presence on County property of prohibited controlled substances and alcohol by all employees in the workplace and further prohibits:
 - 1. Alcohol concentration: No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. No supervisor having actual knowledge that an employee has an alcohol concentration of 0.02 or greater shall permit the employee to perform or continue to perform work assignments.

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2. Alcohol on-duty use: No employee shall use alcohol while performing work assignments. No supervisor having actual knowledge that an employee has used alcohol within the previous four hours shall permit an employee to perform or to continue to perform work assignments.
3. Alcohol pre-duty use: No employee shall perform work assignments within four hours after using alcohol. No supervisor having actual knowledge that the employee has used alcohol within four hours shall permit an employee to perform or continue to perform work assignments.
4. Use following an accident: No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. Refusal to submit to a required alcohol or controlled substance test: No employee shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. No supervisor shall permit an employee who refuses to submit to such tests to perform or continue to perform work assignments.
6. Controlled substances use:
 - a. No employee shall report for duty or remain on duty requiring performance of work assignments when the employee uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a vehicle or equipment.
 - b. No supervisor having actual knowledge that an employee has used a controlled substance shall permit the employee to perform or continue to perform work assignments.
 - c. An employee shall inform the Personnel Department of any therapeutic drug prescription that may adversely affect his work performance.
7. Controlled substances testing: No employee shall report for duty, remain on duty or perform work assignments if the employee tests positive for controlled substances. No supervisor having actual knowledge that an employee has tested positive for controlled substances shall permit the employee to return to duty.

10.4 Required Tests

- A. Safety Sensitive. Employees and prospective employees including CDL operators whose positions are designated as "safety sensitive" are subject to alcohol and controlled substances testing under the following circumstances:
 1. Pre-employment testing.
 2. Post Accident testing.
 3. Random testing.
 4. Reasonable suspicion testing.

- B. Non-Safety Sensitive. Employees who do not occupy designated safety sensitive positions are subject to alcohol and controlled substances testing under the following circumstances:
 - 1. Post accident testing.
 - 2. Reasonable suspicion testing.
- C. Controlled substance testing is conducted based on the analysis of a urine sample provided by the employee or potential employee. The controlled substances selected do not have a legitimate medical purpose and are widely abused. Tests for the following controlled substances and their metabolites shall be performed: Marijuana, Cocaine, Opiates, Phencyclidine (PCP), and Amphetamines.
- D. Alcohol testing shall be conducted by Evidential Breath Test (EBT). The EBT test identifies the concentration level of alcohol within the body.

10.5 Testing Procedures:

- A. The procedures and supervisory responsibilities are defined for each required test as follows:
 - 1. Pre-Employment Testing: Following an offer of employment to a potential employee for any position identified as safety sensitive and prior to the first day of employment, the following shall take place:
 - a. The potential employee shall be informed that employment is conditional pending results of a controlled substance test.
 - b. The controlled substance test must result in a verified negative. A potential employee who fails a pre-employment drug screen shall not be hired.
 - c. Required pre-employment controlled substances testing shall be coordinated by Personnel.
- (Items “d” through “g” below pertain to positions requiring a CDL operator’s permit)
- d. In accordance with 49 CFR part 40.25, newly employed CDL operators must provide the Personnel Department with written consent to acquire his/her previous employer(s) information concerning participation in a drug and alcohol testing program for the past two years. This information is only required if the employee performed safety sensitive functions as a CDL operator for the previous employer.
 - e. Personnel must provide to the previous employers of the past two years a written authorization from the CDL operator for release of the required information. The release of this information may take the form of personal interviews, letters or any other method that ensures confidentiality. Gila County shall maintain a written, confidential record with respect to each past employer contacted.
 - f. The potential employee may not be employed if the information obtained indicates the potential employee has tested positive for drugs, tested at or above 0.04 breath alcohol concentration, or refused to test unless it can be established that he/she has completed the return to duty requirements as set forth in 49CFR part 40 Subpart O.

- g. Under no circumstances shall a newly hired operator be allowed to perform safety sensitive duties for more than 30 days following date of hire without confirming the information required in paragraphs d, e and f above.
2. Post Accident Testing: When any County employee is involved in an accident while operating a County vehicle, the employee shall submit to drug and alcohol testing pursuant to the following guidelines. The testing should be done immediately, but no later than 8 hours after the accident in the case of alcohol testing, and 32 hours after the accident for controlled substances..
 - a. Accidents requiring testing:
 1. Any accident involving human fatality.
 2. Any accident in which (1) the County operator is cited by law enforcement, and (2) bodily injury is incurred by any person requiring immediate medical treatment away from the scene.
 3. Any accident in which (1) the County operator is cited by law enforcement, and (2) one or more motor vehicles incurred disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
 - b. When a required drug or alcohol test has not been administered within the time frames below following the accident, the following actions shall be taken:

Time Elapsed	Action Required
2 hours	If the employee has not submitted to an alcohol test at this time, the supervisor shall prepare a report stating the reason a test was not promptly administered. The report shall be forwarded to Risk Management for filing.
8 hours	If the employee has not submitted to an alcohol test at this time, the County shall cease attempts to administer alcohol test and the supervisor is to prepare a report as described above. The report shall be forwarded to Risk Management for filing.
32 hours	If the employee has not submitted to a controlled substance test at this time, the County shall cease attempts to administer the test and the supervisor is to prepare a report as described above. The report shall be forwarded to Risk Management for filing.

- c. The following steps shall be followed by the supervisor in all post accident testing:
 - 1. All injuries shall be treated first.
 - 2. The employee and the supervisor shall cooperate with all law enforcement officers.
 - 3. The supervisor must contact the Risk Manager and other designated superiors prior to any action being taken.
 - 4. The supervisor will explain to the employee that testing is required to ensure that drugs or alcohol were not a contributing factor in the accident.
 - (a) If the employee refuses to submit to the required testing, the supervisor shall inform the employee that:
 - (i) The refusal to submit to testing will be considered a failure of the testing requirement.
 - (ii) Continued refusal to submit to either drug or alcohol testing will result in the employee being placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for dismissal.
 - (iii) The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.
 - (b) If the employee agrees to the testing, a supervisor will transport the employee to the designated testing facility collection site. The supervisor will remain at the collection site with the employee, but shall not go into the examination room or sample collection room.
 - (i) If the employee refuses to cooperate with the testing process, such refusal will be considered a failure of the test and the employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for dismissal.
 - (ii) The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.
 - 5. After the sample collections are obtained, the supervisor shall contact Risk Management to determine if the employee should be allowed to return to duty or provided with transportation home.

3. Random Testing: The Personnel Department shall conduct unannounced random selection for both the controlled substance and alcohol testing. A statistically verifiable computer-generated random selection process shall be used to select the appropriate percentage of employees from each pool to be tested. In addition, Personnel may also conduct a 100% test of all eligible individuals all at one time on an annual basis.
 - a. Refusal to submit to either controlled substance testing or alcohol testing: If an employee refuses to submit to the required testing, the refusal shall be considered a failure of the testing requirement. The employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for dismissal.
 - b. Any selected employee who is absent from duty on the date designated for random testing will not be informed of the selection and will automatically be added to the following testing period.
 - c. The testing will be evenly distributed throughout the year. Specimen collection will be done on different days of the week throughout the annual cycle.
 - d. Sample collection for random drug testing and breath alcohol testing will be conducted at one or more designated and certified collection sites.
4. Reasonable Suspicion Testing: Reasonable suspicion of drug or alcohol use by an employee may be established by observation or report of the employee's behavior, admission by the employee, evidence of conduct that shows impairment or shows physical signs of being under the influence. Upon determining that reasonable suspicion exists, the employee shall be required to submit to drug and/or alcohol testing.
 - a. The decision to require testing for reasonable suspicion will be based upon objective observation by two or more supervisors or County officials, at least one of which has been trained to make such a determination. Once a determination has been made that there is reasonable suspicion to believe that the employee's behavior warrants testing, the following actions must be taken:
 1. The supervisors and/or County officials must contact the Risk Management Safety Officer or designee prior to any action being taken.
 2. If there is agreement that testing is warranted, the supervisors, and/or County officials must inform the employee of their observation. This discussion **MUST TAKE PLACE IN A PRIVATE SETTING**. The supervisors and/or County officials are required to explain that they have reasonable suspicion to believe that this behavior warrants testing.

- b. Refusal to Submit: If the employee refuses to submit to the required testing, the supervisors and/or County official will inform the employee that refusal to submit to testing shall be considered a failure of the testing requirement and the employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for dismissal. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.
- c. Agrees to submit: If the employee agrees to the testing, a supervisor will transport the employee to the designated testing facility collection site. The supervisor will remain at the collection site with the employee, but shall not go into the examination room or sample collection room.
 - 1. If the employee does not cooperate with the testing process, this action will be considered as a failure of the testing requirement and the employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for dismissal.
 - 2. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.
- d. After the sample collection(s) are obtained, the employee shall be placed on administrative leave with pay pending the results.
- e. The supervisor shall document, in writing, the events that led to the testing and the conversations and events that followed the request.
- f. If the results of the testing are negative, the employee will be reinstated.
- g. If the results of the testing are positive, the employee will be placed on administrative suspension with pay pending a review of the circumstances. Barring any extenuating circumstances, a positive controlled substance test shall be considered grounds for dismissal.

10.6 Controlled Substance Testing Procedures

- A. Urine Sample Collection: The County will contract with an approved laboratory to perform all urine sample collections. Collection site personnel shall collect ALL required samples in accordance with FHWA guidelines as outlined in 49 CFR Part 40.
 - 1. The collection of the specimen shall be accomplished in a private setting without observation unless direct observation is deemed necessary by collection site personnel.
 - a. The collection rest room must be inspected before and after each collection.
 - b. Collection site personnel are required to verify employee identification by requesting to see a valid drivers license or identification with a photograph.
 - c. Employees shall be required to allow collection site personnel to inspect personal belongings that may have been brought to the site.

- d. Collection site personnel may ask the employee to remove any unnecessary outer garments (jackets, sweaters, coats, etc.) that might conceal items or substances that could be used to tamper with or adulterate the urine specimen.
 - e. The employee will be allowed to take their wallet into the collection room with them.
- 2. Consistent with federal guidelines, the “split sample” method of collection shall be used.
 - a. The collection site person shall instruct the employee to provide at least 45 milliliters (ml) of urine under the split sample method into a single collection bottle.
 - b. Once an adequate specimen has been collected and verified, the collection site person shall divide the specimen into two (2) bottles labeled “Primary” and “Split” specimen.
 - c. The collection site person shall seal the samples, fill out the required “Chain of Custody” forms, and forward the samples to the testing laboratory.
- 3. Insufficient amount of urine: Upon receiving the specimen from the donor, the collection site technician shall determine if it has at least 30 milliliters of urine for the primary specimen bottle and an additional 15 milliliters of urine for the split specimen bottle. If the employee is unable to provide a sufficient quantity of urine:
 - a. The collection site technician shall instruct the employee to drink not more than 24 ounces of fluids and, after a period of up to two (2) hours, again attempt to provide a complete sample using a fresh collection container.
 - b. The original insufficient specimen shall be discarded and the MRO notified.
 - c. Failure to provide an adequate sample will be deemed a failed test unless the employee provides sufficient information to the MRO to determine an underlying health related condition is the cause for the insufficient sample.
- 4. Failure to comply with the collection site technician directions will be considered a failure of the testing requirements.
- 5. Altered or substituted urine specimen: If the collection site person has reason to believe that an employee may have altered or substituted the urine specimen, the Gila County Personnel Department shall be immediately notified.
 - a. The employee may be subject to disciplinary action and will be placed on administrative suspension with pay pending a review of circumstances.
 - b. The employee shall be offered transportation home.

6. Both bottles of the split sample (primary and split) provided by the employee shall be shipped in a single shipping container, together with the appropriate chain of custody forms, to the testing laboratory.
 - a. The testing laboratory shall log in the split specimen, with the split specimen bottle seal remaining intact. The laboratory shall store this sample in a secure location.
 - b. If the result of the testing of the primary specimen is negative, the laboratory may discard the split specimen.
 - c. If the result of the testing of the primary specimen is positive, the laboratory shall retain the split specimen in storage for sixty (60) days from the date on which the laboratory acquires it. Following the end of the sixty (60) day period, if not informed by the MRO that the employee has requested a test of the split specimen, the laboratory may discard the split specimen.
- B. Laboratory Testing Procedures: As specified by federal regulations, all urinalysis testing shall be conducted by a laboratory that meets the guidelines that have been established by the Department of Health Services (DHHS) in full compliance with 49 CFR Part 40.
- C. Medical Review Officer: The MRO is a licensed physician (MD or DO) selected by the County to review and evaluate the results of verified positive drug test results. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate test results, including the employee's medical history and any other relevant biomedical information.
 1. The MRO shall report to the Personnel Department whether the test is verified positive or verified negative, and may report the drug(s) for which there was a positive test.
 - a. Employee notification of positive results: If the results of the drug testing are positive, the MRO shall make a determination that the testing process was accurate, and the employee's medical history will be reviewed. The MRO shall then contact the employee directly by telephone, on a confidential basis, to determine whether the employee wishes to discuss the test results and to provide an opportunity for the employee to explain why the test result was positive. Sometimes, a legitimate medical explanation for the results exists, including legally prescribed medication(s).
 - (i) If, after making reasonable efforts and documenting them, the MRO is unable to reach the employee directly, the MRO shall contact the Personnel Department or its designee, who shall contact the employee's supervisor to direct the employee to contact the MRO.
 - (ii) If, after making all reasonable efforts, the County is unable to contact the employee, the employee shall be deemed to have failed the test and shall be subject to immediate dismissal.
 2. Split Specimen: In a verified positive test, the MRO shall notify the employee of the verified positive test. The employee has seventy-two (72) hours in which to request a test of the split specimen at the **employee's own expense.**

E. Test Results:

1. A verified positive drug test requires the removal of the employee from performing a safety-sensitive function without delay pending the results of the test of the split specimen. Therefore, upon notification by the MRO that the primary specimen results are positive, the employee will be placed on administrative suspension with pay pending the results of the test of the split specimen. If testing of the split specimen results in a negative finding, the employee shall be reinstated with back pay.
2. If the analysis of the split specimen results in a confirmed positive test as determined by the MRO, the MRO will then notify the County of the results. The County will then inform the employee that the drug test has returned positive, and the employee will be dismissed from County employment.
3. Dilute Specimen: If the MRO reports that a positive drug test was dilute, the test result will be treated as a verified positive test. If the MRO reports that a negative test was dilute, the County will require retaking of the test only if the test was the result of a post-accident or reasonable suspicion examination.

10.7 Alcohol Testing Procedures:

- A. Alcohol testing may be conducted through the use of a certified Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). Employees shall be tested for alcohol at locations that prevent unauthorized persons from seeing or hearing test results. The necessary equipment, personnel, and materials for breath testing shall be provided at the locations where testing is conducted.
- B. Exception: Post-accident or other unusual circumstances that require a test to be conducted at a location and does not fully meet the requirements. In such a case:
 1. The visual and aural privacy shall be provided to the employee to the greatest extent possible.
 2. This test may be conducted by law enforcement personnel. Risk Management shall acquire a copy of the alcohol testing results.
- C. Prior to and during an EBT: The BAT shall supervise only one employee's use of EBT testing device at a time. The BAT shall not leave the alcohol testing location while the testing procedure for a given employee is in progress.
 1. Prior to the test, the BAT shall instruct the employee step by step through the testing process:
 - a. The BAT will require the employee to provide positive identification (drivers license) if the BAT does not know the employee.
 - b. On request by the employee, the BAT shall provide identification to the employee.
 - c. The BAT shall explain the testing procedures to the employee.
 - d. An individually sealed mouthpiece shall be opened in view of the employee and the BAT shall instruct the employee how to attach it to the EBT testing device.

- e. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT testing device indicates that an adequate amount of breath has been obtained.
 - f. The screen test resulting in a breath alcohol concentration of less than 0.02 shall be determined to be negative.
 - g. The BAT shall show the employee the result of the EBT.
 - h. The BAT shall transmit the result of less than 0.02 to the County in a confidential manner.
- D. Confirmation Test: When the first screening test results in an alcohol concentration of 0.02 or greater, a confirmation test shall be performed. The purpose of this requirement is to prevent any accumulation of mouth alcohol leading to an artificially high reading.
- E. Transmission of Alcohol Testing Records: The BAT shall transmit all results to the County Personnel Department in a confidential manner. All communications concerning the alcohol testing results of employees shall be made solely to a designated County representative. Such transmission may be in writing, in person or by telephone or electronic means, but the BAT shall ensure immediate transmission to the County of results that require the County to prevent the employee from performing a safety-sensitive function(s). All test records shall be confidential and maintained in an area with controlled access.
- F. Refusal to Test: If an employee refuses to cooperate with any part of the testing process, he/she will be placed on administrative suspension with pay pending a review of circumstances and will be offered a ride home. Barring any extenuating circumstances, the employee shall be terminated. The BAT shall immediately notify the County Personnel Director or designee. The termination of testing will be considered a failure of the testing requirement and the employee will be subject to dismissal when:
 - 1. The employee refuses to complete and sign the breath testing form.
 - 2. The employee refuses to provide breath, or does not provide an adequate amount of breath.
 - 3. The employee refuses to cooperate with the testing process and prevents the completion of the test.
- G. Test Results: An employee who is found to have an alcohol concentration of 0.02 or greater shall be placed on administrative suspension with pay for a period of not less than 24 hours following administration of the alcohol test. The employee shall be offered transportation home. Barring any extenuating circumstances, the employee will be disciplined, up to and including termination.

10.8 Maintenance of Records

- A. General Provisions: All records are confidential and shall be filed in an area with controlled access. Except as required by law or unless expressly authorized by the employee through the provision of a signed release, designated employee information that is contained in the records shall not be released.
- B. Availability and Disclosure of Testing Information:
 - 1. Records of Drug Testing:
 - a. Contracts with testing laboratories shall require that the laboratory maintain employee test records in confidence. The contracts shall provide that the laboratory shall disclose information related to a positive drug test of an employee to the employee, the employer, or the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and arising from a certified positive drug test.
 - b. An employee who has been subjected to a controlled substances test conducted under this policy shall, upon written request, have access to any records relating to that employee's drug test, and to any records relating to the results of any relevant certification, review, or revocation of certification proceedings.
 - c. The MRO shall not disclose to any third party medical information provided by the employee to the MRO as part of the testing verification process. The MRO may disclose such information to the County, a DOT agency, or other Federal safety agency, or a physician responsible for determining the medical qualifications of the employee under applicable regulations.
 - 2. Releasing Records of Alcohol Testing:
 - a. An employee subject to testing is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his/her alcohol test.
 - b. Access to all facilities utilized in complying with the requirements of the regulations shall be made open to all regulatory authority.
 - c. When requested by the Secretary of Transportation, any DOT agency with regulatory authority over the County, or a state agency with regulatory authority over the County, the County shall make available copies of all results of County CDL operator alcohol testing conducted under such requirement and/or authority, and any other information pertaining to the County's alcohol misuse prevention program. The information shall include the name of the specific alcohol test, test results, records, and reports.
 - d. When requested by the National Transportation Safety Board as part of an accident investigation, the County shall disclose information related to the County's administration of any CDL operator post-accident alcohol tests administered following the accident.

- e. The County shall make records available to a subsequent employer upon written request from a covered employee. Disclosure of records to a subsequent employer without a written request from a covered employee is forbidden.
 - f. The County may disclose information pertaining to a covered employee to that employee or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, and arising from the results of an alcohol test administered under the requirement of the law, or from the County's determination that the employee engaged in conduct prohibited by a DOT agency regulation. Such information can be released to including, but not limited to, worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.
 - g. The County shall release information regarding a designated employee's records as directed by a specific, written consent of the employee authorizing release of information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent.
- C. Records Retention: In the case of employees who fail to pass a drug and/or alcohol test, all collection and test records shall be retained for five (5) years. Such records will only be retained for one (1) year for employees who pass the drug and/or alcohol test.
- D. Reporting: The Gila County Personnel Department will maintain information as required and shall submit reports tracking CDL operator testing as required by federal regulations to the DOT.
- E. Reviewing Records: An employee may request to review their Substance Abuse records per current County Policy.

EMPLOYEE ACKNOWLEDGMENT

I acknowledge that Gila County is committed to preventing accidents and injuries resulting from the misuse of alcohol or illegal or improper use of controlled substances. Therefore, in compliance with the Federal Drug-Free Workplace Act of 1988, other federal and state mandates, and in accordance with the County's own precepts and philosophy, I further understand that the following behaviors are punishable offenses up to and including termination:

1. Reporting to work under the influence of a prohibited drug or under the influence of alcohol;
2. The use, consumption, sale, purchase, transfer, or possession of any prohibited drug by any employee during working hours, while on work assignments, or on County premises; and
3. The consumption of alcohol by any employee during work hours or on County premises.

Conditions of Employment: As an employee, I understand that I am expected to abide by the terms of this policy as a condition of employment and to notify the Personnel Department of any drug statute and/or alcohol related conviction no later than five (5) days after such conviction. I understand that every possible effort shall be expended to hold such information in confidence within the County, but such information may be required to be reported to a state or federal agency if a grant or contract funding for the position is involved, or as otherwise required by law or regulation.

I acknowledge that I have received a copy of the County Drug and Alcohol Policy and have been given the opportunity to clarify any questions I might have. I understand the types of drug and alcohol testing I am subject to given my position in the county and I agree that, as a condition of employment, I will abide by all provisions, conditions, and any amendments as set forth in this policy.

Employee Printed Name

Employee Signature

Date

RULE 11 – Work Place Searches

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

- 11.1 For the mutual convenience of employees and Gila County, employees may be assigned county-provided equipment such as vehicles, lockers, desks, cabinets, and brief cases. Employees are hereby advised that the retention of any personal items in such equipment is at the employee's own risk, and Gila County and any supervisors will not be responsible for any losses.
- 11.2 Any county-provided equipment is subject to entry, search, and inspection by authorized personnel without prior notice. Any privately owned property contained in such equipment (including the contents of sealed items/containers) may also be opened and examined without prior notice and without permission to investigate work-related misconduct. This includes any county-provided equipment that is protected by a personally owned lock that an employee may place on that equipment. Therefore, employees have no expectation of privacy when using county-provided equipment.
- 11.3 Work place searches must be authorized by the County Administrator, the Personnel Director, or designee of same.

RULE 12 – Workspaces, Food and Chemical Hazards

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

12.1 Workspaces.

- A. Concept: To establish guidelines covering the use and appearance of Workspaces within Gila County facilities.
- B. Statement of Policy: Employees assigned specific workspaces within Gila County facilities are personally responsible for maintaining such areas in a manner that will not produce safety hazards to the employee or others and which produce an image of neatness, orderliness, and efficiency when viewed by others.
- C. Scope: Workspace safety and appearance standards are established by the Gila County Board of Supervisors, Elected Officials, and Division Directors within their areas of responsibility. Within such established standards, employees may personalize their individual workspaces to include photographs, wall hangings, plants and small items of a personal nature if in keeping with good taste and professionalism expected of County employees by the public. Employees are particularly discouraged from eating in public view at their work stations and in the proximity of computer equipment.

12.2 Cleaning Chemicals.

- A. Concept: Employees have both a need and a right to know the hazards and identities of the cleaning agents they are exposed to when working. This policy will help to provide a safer workplace by taking steps to reduce exposures and prevent the occurrence of work-related illnesses and injuries caused by cleaning chemical products.
- B. Statement of Policy: Under no circumstances will a cleaning chemical that is not pre-approved by Gila County Facilities Management Department be brought on to the premises. This includes but is not limited to dish washing soap, window cleaners, disinfectants, bleach or ammonia agents. Most cleaning agents used in the workplace have some hazard potential and will be covered by this policy.
- C. Scope: Chemical manufacturers and distributors are required to provide the appropriate labels and material safety data sheets (MSDS) when requested. Gila County requires this information to be on site and available to anyone that is exposed to the chemical. Proper training in the use and the potential hazards of using the cleaning chemical will be required before any employee is allowed to use such a product on County property.

12.3 Food Sanitation.

- A. Concept: This policy shall apply only where employees are permitted to consume food or beverages, or both, on the premises.
- B. Statement of Policy: Eating and drinking areas: No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material. No food or beverages shall be stored or prepared in a toilet room. Specimens or evidence shall not be put into a refrigerator storing food. Waste disposal containers: No food, wrapper, seed shell, peel or beverage containers will be disposed of in trash receptacles at individual work stations. Each department will provide receptacles constructed of smooth, corrosion resistant, easily cleaned, or disposable materials, and used for the disposal of waste food. The number, size, and location of such receptacles shall encourage their use and not result in overfilling. They shall be emptied not less frequently than once each working day, unless unused, and shall be maintained in a clean and sanitary condition. Receptacles shall be provided with a solid tight-fitting cover.
- C. Scope: All facilities and operations shall work in accordance with sound hygienic principles. The floor of every workroom shall be maintained and kept clean of food and debris. This policy is meant to provide better air quality and sanitation for employees and the public in Gila County facilities.

RULE 13 – Classification Plan

- 13.1 Nature of Plan. The Classification Plan, as approved by the Board of Supervisors, shall include for each class of positions which fall under these Rules an appropriate title and a class specification. The Director shall maintain the official class specifications in the Classification Plan. The Board of Supervisors may establish new classifications and divide, combine, alter or abolish existing classifications based upon the recommendation of the Director. Revisions to a class specification may be approved by the Director.
- 13.2 Interpretation of Class Specifications.
- A. Nature and Interpretation of Class Specifications. Class specifications are descriptive and explanatory and are not restrictive. The language of class specifications is not all inclusive and shall not be construed as limiting or modifying the authority which Appointing Authorities have to add or delete duties and responsibilities, so long as such changes fall within the general guidelines of the classification of the position involved. Changes in the duties and responsibilities of a position which are not within the general guidelines of the classification must be reported to the Director by the Appointing Authority.
 - B. Title of Position.
 - 1. The class specification title of a position shall be used in all financial and personnel documents.
 - 2. For purposes of internal administration, agency correspondence or for any other purpose not involving the personnel processes, abbreviations, code symbols or descriptive adjectival titles may be used in lieu of the class titles.
 - C. Minimum Qualifications. Minimum qualifications are statements of the minimum background as to education, experience, and other qualifications which will be required in all cases as evidence of any appointee's potential to perform the work properly. When minimum qualifications are increased, the additional qualifications shall not be applicable to incumbents of the class as to their eligibility for promotion consideration, unless the added qualification establishes a degree from an educational institution, license, similar added qualification required by law or the duties of the classification. All subsequent applicants for the class must qualify under all minimum qualifications, including those added pursuant to this Rule.

D. General Qualifications. All persons applying or holding any position in the County service shall be required to meet the following general qualifications: integrity, honesty, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume and fulfill the responsibilities of the employment, good health and physical and mental abilities compatible with the work assignment. Where the position requires the operation of a motor vehicle, the applicant or employee must have a valid Arizona operator's license and shall operate the vehicle in conformance with the applicable motor vehicle laws. These qualifications shall be deemed to be part of the minimum qualifications of each class and need not be specifically set forth therein.

13.3 Classification Administration.

County positions are allocated to an individual job class, or to a group of positions having similar duties, levels of skill, and responsibilities based on the position descriptions developed within each department. Class specifications are then developed based on these positions descriptions. The group of positions allocated to a common class with a set of specifications, or class description, is then assigned a single pay range within the County compensation plan.

Elected Officials, Deputy/Assistant County Managers and Department Directors are responsible for ensuring that the contents and intent of each classification specification assigned to positions under their direction correctly reflect the duties and responsibilities being performed in each position.

Elected Officials, Deputy/Assistant County Managers and Department Directors shall be responsible for informing the Personnel Department in writing of changes in a position's duties/responsibilities in their office or department that might possibly affect the classification of such a position.

The Personnel Director may initiate a classification review to update and modify classification specifications or any component of the classification as is deemed necessary.

If any Elected Official, the County Manager, Deputy/Assistant County Manager, or Department Director desires that a position be reviewed for a possible reclassification, they will forward a request to the Personnel Director. The request should state the employee's name, current classification, requested classification, and the basis for the request. Reclassification reviews will be conducted annually. Individuals scheduled for reclassification review will be

required to complete a Gila County Position Description Questionnaire completed by the incumbent or immediate supervisor if the position is vacant, and reviewed and signed by the Elected Official, County Manager, Deputy/Assistant County Manager or Department Director. Position Description Questionnaires will be accepted in the Personnel Department no earlier than February 1st and no later than March 31st of each year. Position Description Questionnaires will be forwarded to an independent professional consulting firm for review and recommendation at the expense of the requesting department or elected official.

A reclassification may result in one of four actions: (1) no change; (2) a change in classification specification with no change made to pay grade; (3) change in pay grade upward; (4) change in pay grade downward. If a classification action results in a change in pay grade, the corresponding change in the incumbent's salary will be to the new grade at their current pay rate or at step 1 of the new grade, whichever is higher. If a classification results in a change of range upward, the requesting department will be responsible for funding the increase and including additional funds that are necessary in the budget request for subsequent years. Requests for any additional funding in current or future budget years must be transmitted to the Finance Office for review and forwarding to the County Manager for action by the Board of Supervisors as may be required.

- 13.4 Classification Controls. A position shall have been allocated to a specific class before final administrative action can be taken by an Appointing Authority on appointment, transfer, promotion, demotion or change in compensation rate or payment of salary with respect to the position.

13.5 Official Copy of Class Specifications

- A. Official Class Specifications. The Director shall maintain a master set of all approved class specifications. Such specifications shall constitute the official specifications in the Classification Plan. The copies of the specifications for each class indicate the date of adoption or the last revision of the specification for such class.
- B. Issuance of Specifications. The Director shall provide the agency with a set of class specifications appropriate to that agency. Such class specifications in the agency office, as well as the master set in the Personnel Department, shall be open for inspection by the employees or the public under reasonable conditions during business hours.

RULE 14 – Compensation Plan

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

- 14.1 Purpose. The Compensation Plan shall provide pay ranges and/or other compensation schedules for the various classes with the salaries consistent with functions outlined in the Classification Plan to insure equal pay for equal work. The Compensation Plan is established, controlled, and maintained by authority of the Board of Supervisors.
- 14.2 Authority. Pursuant to its jurisdiction under A.R.S. §11.251, et seq., compensation of County employees shall be solely within the jurisdiction of the Board of Supervisors. No other Commission, Department or Appointing Authority shall be entitled to make any decisions as to the compensation of County employees without the express consent of the Board of Supervisors.
- 14.3 Adoption of Compensation Plans. The Board of Supervisors shall adopt as official County policy a compensation plan. A copy of such compensation plan shall be made available to any County employee by the Director upon the employee's request, together with any amendments thereto by the Board of Supervisors.

RULE 15 – Announcements, Applications and Examinations

Individuals with disabilities may request reasonable accommodation in the application or testing process through the Personnel Department.

15.1 Announcements

- A. Open Announcements. Open announcements shall be by public notice for no less than five (5) working days or on an open-continuous basis. Every reasonable effort shall be made to attract qualified persons to compete in the examination for appointments.
- B. Promotional Announcements
 - 1. County-wide Promotions: Reasonable efforts shall be made to communicate with County employees concerning promotional opportunities.
 - 2. Intra-departmental Promotions: At the determination of the Appointing Authority, recruitment may be limited to employees of only the Department having the vacancy.
 - 3. Promotional announcements shall be open for no less than five (5) calendar days.
- C. Content of Announcements
 - 1. An announcement shall specify the official classification title, salary range, description of work to be performed or where this information may be obtained, the minimum qualifications and any special qualifications, the final date for receipt of applications or statement of open-continuous recruitment, and how to apply.

15.2 Applications

- A. Official Forms. All applications shall be on forms provided by the Personnel Department.
- B. Filing Applications
 - 1. Applications for other than open-continuous recruitment classifications must be completed and received in the Gila County Personnel Department as designated in the announcement before 5:00 p.m. on the final filing date specified, or postmarked by midnight of the specified date. Applications for open-continuous recruitment classifications may be filed at any time.
 - 2. Applicants shall submit such documents or supplemental information as required by the Director in order to verify and accurately evaluate the Applicant's qualifications and background.
 - 3. Issuance of an application form shall not be construed as incurring an obligation. In no case shall acceptance of an application constitute assurance of meeting the minimum qualifications.

- C. Qualifications. Examinations shall be open to all persons who meet the qualifications and standards provided in the Examination Announcements and provisions of Rule 13.2.C and D. Additional qualifications shall be added to the announcement if such qualifications are required under applicable Arizona Revised Statutes, regulations or retirement or employee benefit systems.
- D. Disqualification of Applicants. The Director may refuse to examine an Applicant, or after the examination process, may disqualify a Candidate if it is found that the individual:
 - 1. Does not meet the minimum qualifications established for the classification or position;
 - 2. Is determined to be physically or mentally unable to effectively or safely perform the essential functions of the classification applied for, with or without reasonable accommodation;
 - 3. Is addicted to the use of controlled substances or other substances in a manner which would affect the ability to safely, effectively and dependably perform the duties of the classification applied for;
 - 4. Has made a false statement of material fact in the application process;
 - 5. Has used, or attempted to use, political pressure or bribery to secure an advantage in the examination process or in the appointment to a position in County employment;
 - 6. Has directly or indirectly obtained information regarding any examination to which the Candidate is not entitled;
 - 7. Has failed to submit the completed application correctly or within the prescribed time limits;
 - 8. Has taken part in the compilation, administration or any part of the examination process in which he/she is competing;
 - 9. Has previously been dismissed for a disciplinary reason from a position in County employment;
 - 10. Has been convicted of a crime or has a record of convictions, the nature of which would affect the Applicant's suitability for employment;
 - 11. Has failed to appear for a scheduled examination or interview;
 - 12. Has failed any phase of the examination process;
 - 13. Has a record of unsatisfactory performance on previous jobs;
 - 14. Has been determined by the Director to be unsuitable for employment for any other job-related reason.

15.3 Nature of Examination

- A. Applicants may be examined to determine if they possess the minimum qualifications and skills as required in the Announcement. In no case shall selection of an Applicant as a Candidate or admittance to the examination process constitute assurance of a passing rating on any aspect of the examination process.

B. Content and Nature of Examinations

1. Examinations used in the process shall be job-related.
2. In compliance with laws and regulations governing sound examination procedure, examinations shall be designed to evaluate the minimum qualifications for a classification and/or to determine relative suitability among those qualified.
3. All examinations, evaluations, rating, and other selection devices or items shall be rated impartially.
4. The method of examination may be any one of the following:
 - a. Written;
 - b. Oral;
 - c. Demonstration of performance;
 - d. Evaluation of experience, educational background, and skills;
 - e. Any other method of examination as deemed appropriate by the Director and consistent with Merit System Rules and Policies.

C. Conduct of Examinations

1. Examinations shall be conducted in such locations in the County as necessary and required by law.
2. The Director may designate proctors or examiners as deemed appropriate.
3. The Director may limit admittance to an examination or any portion thereof to those persons who possess the minimum qualifications and skills as required in the Announcement.
4. When an oral board examination is used as part or all of the examination process, it is recommended that the panel be comprised of three (3) or more individuals. If the position available requires certification by a state regulatory agency, then the Director may require all members of the panel to have such certification.
5. This rule shall also apply to promotional examinations.

15.3 Evaluation Results and Rating Examinations

- A. Scores may be based upon a single examination or a composite of scored examinations.
- B. The Director, with approval of the Appointing Authority, shall determine the minimum rating which must be attained by a Candidate in order to compete in the next phase of the examination process.

15.4 Background Checks. The Director may check references and investigate the Applicant's education and work history. Gila County reserves the right to deny employment to an applicant as the result of the background check.

15.5 Retaking Examinations and Test Security

- A. The Director shall establish procedures and standards relating to the retaking of examinations.
- B. Upon request of the Candidate or the requesting Department, rating of training and experience may be re-evaluated and adjusted by the Director.
- C. A written test shall not be retaken by a Candidate for a period of at least ninety (90) calendar days from the date of the last examination. In each case of repeated test, the most recent score achieved shall be used to determine the eligibility of the Candidate.
- D. The Director shall establish procedures and take such precautions as necessary to safeguard the security and confidentiality of examination materials.

15.6 Inspection of Written Tests

- A. Examination answer sheets shall be open to inspection only as provided by these Rules.
- B. Request by a Candidate to inspect his/her examination results must be made in writing to the Director within thirty (30) calendar days after the date of the examination.
- C. A Candidate may compare his/her answer sheets for any written test with the scoring key at such location and with such security procedures as may be designated by the Director for the purpose of determining whether the answers have been accurately scored. Such inspection shall be under supervision of a staff member or authorized representative.
- D. Any candidate who reviews his/her answer sheets with a score key must wait ninety (90) days from the date of review before retaking a written test where the same test materials are to be used.

15.7 Special Examinations. Except in the case of manifest error affecting the Applicant, or in the case of placement of the handicapped, no Candidate shall be given a special examination in any manner not afforded all Candidates for the same classification.

15.8 Manifest Error. Should manifest error be established, the Director may adjust the status of an Applicant, Candidate, or Eligible in order to correct a manifest error. Such adjustment shall not, however, invalidate any certification or appointment action already taken.

RULE 16 – Appointments

- 16.1 Appointments. Vacant positions in the Classified Service shall be filled by:
- A. Current employees through promotion, reassignment, or transfer;
 - B. Former employees by RIF return or reinstatement, and;
 - C. Other qualified applicants.
- 16.2 Appointments Requiring Special Certification. Where a County employee seeks to advance to a position requiring certification by a state regulatory agency, such employee shall undergo the required examination for such a position and shall obtain the required certification from the regulatory agency in order to be eligible for appointment to the position.

RULE 17 – Promotion, Demotion and Transfer

17.1 Promotion

- A. Vacancies in County employment may be filled by promotion of a qualified Regular Status employee in accordance with these Rules.
- B. An employee who fails to satisfy promotional probation may be separated without prejudice if the former position is either not vacant or no longer exists.

17.2 Demotion

- A. Involuntary
 - 1. A regular status employee may be demoted for cause by an Appointing Authority to any regular status position, provided the employee meets the minimum qualifications for such class.
 - 2. Before an employee with regular status can be demoted, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.
 - 3. Prior to the effective date of the demotion, a written notice containing specific reasons for the demotion and the employee's right of appeal shall be provided to the employee and the Director.
 - 4. Except as otherwise provided in these Rules, a demoted employee shall not be required to serve a probationary period in the position to which demoted.
- B. Voluntary
 - 1. If an employee makes a written request for voluntary demotion within their Department, the Appointing Authority may make the demotion non-competitively upon certification by the Director that the employee meets the minimum qualifications. A copy of the employee's written request shall be provided to the Director. An employee demoted under this section shall have no right of Appeal.

17.3 Transfer

- A. A transfer of an employee may be made between comparable positions within a Department or from a position in another County Department to a position for which the transferee is qualified.

- B. In the event that, by action of the Board or otherwise, part or all of the functions of one Department are transferred to another Department, the affected employees of the transferring Department shall be accepted as transfers by the receiving Department at the same pay grade unless the receiving Department has no need for the particular position or positions. In the latter event, the regulations concerning Layoffs will apply.
- 17.4 Reassignment. An Appointing Authority has the authority to make reassignments within their Department. Reassignments shall be reported to the Director.
- 17.5 Details
- A. When the services of an employee are needed temporarily for more than thirty (30) working days in a position of higher grade within County employment other than the position to which regularly assigned, upon prior approval of the Director, the employee may be detailed to that position for a period up to one (1) year. A competitive process shall be used to fill any detail which exceeds thirty (30) working days, unless the Appointing Authority requests a waiver of the competitive process which shall be approved by the Director.
 - B. When the services of an employee are needed temporarily for sixteen (16) to thirty (30) working days in a budgeted position of the same or a higher classification, the Appointing Authority may detail an employee non-competitively to the special duty assignment.
 - C. An employee is eligible for detail only if that employee meets the minimum qualifications of the classifications as determined by the Director.
 - D. A detail to a position exempt from the Merit System shall not result in abridgment of any rights the employee may have prior to detail.
 - E. Exceptions to the conditions of a special detail may be authorized by the Director.

RULE 18 – Terminations

18.1 Resignation

- A. An employee may terminate employment with the County by submitting a written resignation to the Appointing Authority at least ten working days prior to the effective date of the resignation. Unless the Appointing Authority determines that the employee had good cause for not giving such notice, an employee who fails to give such notice shall not be eligible for reinstatement.
- B. If an employee resigns orally, the Appointing Authority shall confirm the resignation in writing.
- C. An Appointing Authority may refuse to accept a resignation and dismiss an employee pursuant to Rule 21.2.C.
- D. A resignation shall be final unless both the Appointing Authority and the employee agree that the resignation may be withdrawn.

18.2 Dismissal. A dismissal is the involuntary termination of an employee from County employment. The provisions involved in a dismissal for a disciplinary reason are covered in Rule 21, Disciplinary Action.

18.3 Dismissal during Original Probation. An employee may be terminated, without the right of Appeal, at any time during the original probationary period. However, the terminated employee may file an Appeal in accordance with Rule 22, if discrimination in violation of Rule 4 is alleged.

18.4 Layoff

- A. An employee may be laid off from his/her Department due to lack of work, lack of funds, abolition of position or other reasons as determined by the Board of Supervisors.
- B. The decision as to which classification shall be affected by Layoff and when Layoff shall be effective shall be made by the Appointing Authority. The Appointing Authority shall prepare a Layoff plan which shall be approved by the Director before it is effective.
- C. When any classification is subjected to Layoff, non-regular status employees in that classification in the same Department shall be terminated before any regular status employee is laid off.

- D. When regular status employees in a classification become subject to Layoff, the Appointing Authority shall determine which employee(s) shall be laid off based on the performance, conduct, qualifications and seniority of all regular status employees in that classification in the same Department unless exempted by the Board of Supervisors. The weighing of the criteria shall be stated on the approved plan.
- E. When an employee fails promotional probation, and no vacancy in the former classification exists in the present Department, the employee failing probation shall be laid off as provided in Rule 19.
- F. The Director shall notify employees to be laid off in writing as soon as possible, but no later than ten (10) working days prior to the effective date of Layoff. The written notice shall be hand-delivered or sent by certified mail. A copy shall be sent to the Appointing Authority. The notice shall inform the employee of the effective date of Layoff and of the pre-layoff re-appointment and reinstatement procedures.
- G. In each instance, the Layoff plan shall state, based on circumstances within the Department, whether or not grant funded employees shall be grouped with other employees for Layoff purposes.
- H. Pre-Layoff Re-appointment
 1. Following receipt of notice of Layoff, and before effective date of Layoff, an employee subject to Layoff may be considered by any Appointing Authority in the County having a vacant position for which the employee meets the minimum qualifications.
 2. If the employee wishes to seek a pre-layoff re-appointment, the employee shall submit a request in writing to the Director specifying the classification of the vacancy, and the Department having the vacancy of interest, along with a completed application form.
 3. If the Director determines that the employee meets the minimum qualifications for the classification of the vacancy, then the Director shall send the name of the employee to the Appointing Authority. The Appointing Authority shall promptly interview the employee. An offer of reappointment is at the discretion of the Appointing Authority.
 4. Upon a pre-layoff reappointment, the new salary of the employee shall be set in the same manner as for entrance salary.
 5. A pre-layoff reappointment shall be effective on or before the date on which the Layoff would have been effective, so that a break in service does not occur.
 6. Upon pre-layoff reappointment, the employee shall serve the required probationary period.
 7. The employee shall retain all accrued sick leave, annual leave and compensatory time.
 8. If the employee subject to Layoff is offered and accepts a pre-layoff reappointment, then the employee forfeits the right to be placed on the Reinstatement Register.

9. If the employee is not offered or does not accept an offer of pre-layoff reappointment, on or before the effective date of the Layoff, then the employee shall be laid off.
- I. Reinstatement Register.
 1. An employee who is laid off from a County-funded position shall be placed on the Reinstatement Register for the classification of the position which he/she last held. The laid off employee shall be placed on the Reinstatement Register on the first working day following the effective date of the lay off.
 2. Names shall be placed on the Register in order of seniority.
 3. If a request is received for a position for which there is a Reinstatement Register and such Register contains the names of employees laid off from the requesting department, the Director shall prepare a listing of employees who were laid off from that classification within the department. The Appointing Authority must appoint from the list.
 4. A laid-off employee who has been placed on a Reinstatement Register shall be eligible for Reinstatement for up to one (1) year from the effective date of the layoff.
 5. It shall be the laid-off employee's responsibility to verify with the Personnel Department his/her current address and phone number, and to notify the Personnel Department of any change of address or phone number.
- J. Removal of Names from a Register
 1. The Director may remove the name of an Eligible from a Register at any time for any of the following reasons:
 - a. When the Eligible cannot be located, despite reasonable efforts by the Appointing Authority or the Director;
 - b. Receipt by the Director or the Appointing Authority of any written or verbal communication from the Eligible that consideration for a position in the classification is no longer desired, or that the Eligible is no longer available for the appointment;
 - c. Refusal or rejection by the Eligible of an offer of appointment;
 - d. Failure to respond to a Reinstatement notice;
 - e. An initial appointment of an Eligible.

18.5 Separation

- A. A temporary employee may be separated at any time.
- B. An employee with Regular Status who is retired as provided under the State or Public Safety Personnel Retirement System is deemed to be separated without prejudice and does not have the right to appeal to the Commission.
- C. An employee whose position is not County-funded may be separated for lack of funding.
- D. An employee may be separated for inability to meet the minimum qualifications for the position currently held.

18.6 Rehire. An employee who has left County employment in good standing shall not be eligible for rehire for a period of ninety (90) days after they have left County employment, except with the approval of the Board of Supervisors.

RULE 19 – Probationary Period

19.1 Purpose. The probationary period shall be utilized for the most effective adjustment of a new employee and for the release of any employee whose performance does not, in the judgment of the Appointing Authority, meet the required standard of performance. It also is valuable in promotions to allow the Appointing Authority an opportunity to evaluate the employee in the new assignment.

19.2 Types of Probation. The only types of probation allowed in County Service are original probation, promotional probation, and transferal probation. At the discretion of the Appointing Authority, an employee may be granted a one step increase upon the successful completion of the probationary period.

A. Original Probation. An original probationary period is six (6) months. Upon request of an Appointing Authority, the Director may establish a longer or shorter period for any class of positions in County Service. In no case will the probationary period for a class be less than ninety (90) days or more than one (1) year. The probationary period for employees of the Sheriff's Department shall be one (1) year.

1. Completion of Probation.

- a. The Appointing Authority shall evaluate a probationary employee and submit a report to the Director prior to the expiration of the employee's probationary period unless the Appointing Authority supplies to the Director, in writing, justification for an extension of the probationary period. If justification is not submitted prior to the expiration of the employee's probationary period, the employee shall be considered to have attained regular status.
- b. If the Appointing Authority determines at any time during an original probationary period that the services of the probationary employee are no longer required or are unsatisfactory, the employee may be dismissed without the right of appeal. The Appointing Authority shall furnish the employee a copy of the letter of dismissal.

B. Promotional Probation.

1. An employee who is promoted shall serve a promotional probationary period under the same rules as an original probation, except for Rule 19.2.A.1.b above.
2. An employee who fails to successfully complete a promotional probation shall revert to a vacancy in the current employing agency in the class in which regular status was held immediately prior to the promotion, without the right of appeal. If such vacancy does not exist, the employee shall be laid off in accordance with Rule 18.4.E. A reversion shall not preclude the imposition of any disciplinary action.

C. Transferal Probation.

1. An employee who is transferred shall serve a transferal probationary period under the same rules as an original probation, except that these employees retain the right of appeal should they be separated due to failure of the probationary period.
2. An employee who fails to successfully complete transferal probation shall transfer to a vacancy in the current employing agency in the class in which regular status was held immediately prior to the transfer, without the right of appeal. If such a vacancy does not exist, the employee may be separated without prejudice.

D. Reinstatement and Reemployment.

1. An Appointing Authority may require a former employee who is reinstated or re-employed to complete a period of original probation.
2. An Appointing Authority shall require a former employee who is reinstated or re-employed in a class other than a class the employee has previously held to complete original probation.

E. Demotion. Except as otherwise provided in these Rules, a demoted employee shall not be required to serve a probationary period in the position to which demoted.

RULE 20 – Appraisal and Merit Pay System

- 20.1 Purpose. Employee appraisals are to be performed once a year for regular status employees to establish goals and objectives, determine training needs and to appraise past performance based upon a standard performance review process and to provide merit increases as applicable.
- 20.2 Statement of Policy. The greatest assets of Gila County Government are its employees.
- 20.3 Performance Appraisal Program.
- A. The Performance Appraisal Program applies to all regular status employees who have completed the required probationary period.
 - B. All regular status employees who have successfully completed the required probationary period shall be evaluated under the terms of the Performance Appraisal Program except for Elected Officials and appointed Chief Deputies.
- 20.4 Administration of System. The Personnel Department shall be charged with the administration of the system to include distribution and collection of appraisal forms, salary administration and the reporting process.
- 20.5 Appraisal Period. At least one official performance appraisal shall be completed for each regular status County employee each year by **December 31**. Blank performance appraisal forms will be distributed by the Personnel Department to the various Department Heads during **November of each year**.
- A. Performance appraisals are to be conducted at the end of the probationary period and each year thereafter by **December 31**.
 - B. Special appraisals may be conducted at any time when an employee's performance deteriorates and at other times deemed appropriate by the Department Head. Such special appraisals must be discussed and approved by the Personnel Director or Personnel staff member prior to the review.
- 20.6 Appraisal Forms. Two forms will be used in the performance appraisal system.
- A. The "Gila County Employee Performance Appraisal" form will be used for all regular status County employees regardless of job function or classification except for Elected Officials and appointed Chief Deputies. This is a general form which appraises performance based upon a set of standard skills and traits applicable to all.
 - B. The "Supervisory Skill/Traits" form will be used in addition to "A" above for all supervisors, managers and directors. This form appraises leadership, supervisory and administrative performance against a set of standard supervisory skills and traits.

20.7 Appraisal Procedures.

- A. The immediate supervisor will complete the appraisal form(s) and meet with the employee to conduct the performance review. In the course of the review, the employee's job performance will be evaluated during the preceding review period. Goals and objectives will be established for the coming review period and additional training needs will be noted.
- B. Every effort should be made to resolve differences of opinion before the appraisal session is completed.
- C. The employee shall verify that the appraisal has been discussed with him/her by signing and dating the form. The immediate supervisor must inform the employee that his/her signature does not signify agreement with the appraisal, but only that it was discussed with and seen by him/her. The employee may request that the appraisal be reviewed at the next higher supervisory level by so indicating on the form. If the employee refuses to sign the form, the immediate supervisor shall so note it on the form.
- D. The completed appraisal form will then be submitted to the Department Head (if not the immediate supervisor) for review. The signed appraisal form will be returned to the Personnel Department for processing.

20.8 Adverse Actions. Employee performance may also result in adverse personnel actions in accordance with Rule 21.

20.9 Appeals. Performance appraisals are appealable in accordance with Rule 22 – Grievance Policy of the Merit System Rules and Policies only under the following:

- A. If an employee's overall performance evaluation is evaluated at below satisfactory (i.e., Unsatisfactory, Some Deficiencies Evident), or;
- B. If they feel discriminated against based upon race, color, religion, sex, age, national origin, disability, or Vietnam or disabled veteran status.

RULE 21 – Disciplinary Actions and Administrative Suspension

21.1 General

- A. Any of the following constitute cause for disciplinary actions:
1. Fraud in securing appointment;
 2. Incompetence;
 3. Neglect of duty;
 4. Insubordination;
 5. Sleeping while on duty;
 6. Disorderly conduct;
 7. Malicious gossip or false accusations which tend to destroy friendly relations between the County and the public or between employees or in any way hinder County operations;
 8. Dishonesty;
 9. Drunkenness or consumption of alcohol on duty, or when such consumption affects job performance;
 10. On-duty use of alcohol, marijuana, narcotics or other controlled substances;
 11. Absence without leave;
 12. Commission or conviction of a felony or misdemeanor involving moral turpitude which would affect the employee's suitability for continued employment;
 13. Discourteous treatment of the public and/or co-workers;
 14. Willful disobedience;
 15. Engaging in prohibited political activity;
 16. Misuse of government property;
 17. Possessing, dispensing or being under the influence of a narcotic, barbiturate, marijuana, tranquilizing or hallucinogenic drug or other controlled substances on duty, except in accordance with medical authorization;
 18. Seeking to obtain financial, sexual or political benefit from another employee with his/her consent induced by wrongful use of force or fear, or under color of official right;
 19. Discrimination or harassment based upon race, color, religion, sex, age, national origin, disability, Vietnam era or disabled veteran status;
 20. Revocation, suspension or loss of Arizona driving privileges where having an Arizona Driver's License is a requirement for the position;
 21. Revocation, suspension or loss of certification issued by a governmental entity where such certification is a requirement for the position;
 22. Engaging in sexual harassment of an employee;
 23. Inefficiency;
 24. Unsatisfactory attendance;
 25. Mishandling of County funds;
 26. Falsification or unauthorized use of County records;

- 27. Unauthorized possession of firearms, weapons or explosives on County property;
 - 28. Unsafe actions;
 - 29. Any other conduct or performance which constitutes cause for disciplinary action.
- B. Sworn law enforcement officers employed by the Sheriff's Department shall be subject to being placed on administrative leave with or without pay consistent with these Rules upon being formally charged with the commission of a felony offense.

21.2 Types of Disciplinary Action

- A. A written reprimand is a formal notice to an employee that further disciplinary action will be taken unless their behavior or performance improves. A copy of the written reprimand is to be forwarded to the Personnel Department for placement into the employee's personnel file.
- B. Suspension.
 - 1. Before an employee with regular status can be suspended, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.
 - 2. The Appointing Authority may suspend any employee with regular status for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for suspension in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:
 - a. The employee signs for receipt of the suspension letter personally served or served by mail; or
 - b. Three working days have passed since the letter was mailed to the employee; or
 - c. An attempt is made to personally serve the suspension letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.
 - 3. Except as otherwise provided by Statute or Rule, suspensions shall not exceed a total of thirty working days during any twelve (12) month period. The twelve (12) month period begins with the first day of the first suspension.

4. Classified employees exempt from the overtime provisions of the Fair Labor Standards Act who are suspended must be suspended for a period of not less than five (5) days unless the infraction is for a gross safety violation.

C. Demotion.

1. A regular status employee may be demoted for cause by an Appointing Authority to any regular status position, provided the employee meets the minimum qualifications for such class.
2. Before an employee with regular status can be demoted, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.
3. The Appointing Authority may demote any employee with regular status only for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for demotion in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:
 - a. The employee signs for receipt of the demotion letter personally served or served by mail; or
 - b. Three working days have passed since the letter was mailed to the employee; or
 - c. An attempt is made to personally serve the demotion letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.
4. Except as otherwise provided in these Rules, a demoted employee shall not be required to serve a probationary period in the position to which demoted.

D. Dismissal.

1. Before an employee with regular status can be dismissed, the Appointing Authority shall give the employee written notice of the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to present a written response. The employee's response shall be made not later than three working days after the employee receives notice of the charges, unless extended in writing by the Appointing Authority.

2. The Appointing Authority may dismiss any employee with regular status for cause, but not before attempting to serve the employee personally or by registered or certified mail, return receipt requested (addressee only), with written notice of the specific reasons for dismissal in sufficient detail to inform the employee of the facts, with a copy to the Director. The Appointing Authority shall include a statement of the employee's right to appeal. The action is not effective until one of the following occurs:
 - a. The employee signs for receipt of the dismissal letter personally served or served by mail; or
 - b. Three working days have passed since the letter was mailed to the employee; or
 - c. An attempt is made to personally serve the dismissal letter, but the employee refuses to sign for the letter. Such attempt to personally serve the letter shall be witnessed.
3. If an employee is on an approved period of leave with pay, the action will be effective at the end of the approved period of leave with pay, and the dismissal letter shall be served on the employee in accordance with this subsection.
4. Dismissal During Probation.
 - a. An employee on original probation may be dismissed without the right of appeal.
 - b. An employee on promotional probation may not be dismissed without the right of appeal.
- E. Administrative Leave. Nothing in this Rule shall preclude the Appointing Authority from immediately placing an employee on administrative leave pending implementation of procedures under this section, but no pay shall be withheld for such period.

RULE 22 – Grievance and Appeal Procedure

22.1 General. The grievance procedure is a means through which employees may obtain consideration of grievances or problems in matters over which the Appointing Authority has complete or partial jurisdiction and for which redress is not provided elsewhere in these Rules. The purpose of the grievance procedure is to afford employees a written and systematic means of obtaining further consideration of grievances after every reasonable effort has failed to resolve them through informal discussions initiated with their immediate supervisor.

- A. If an employee complaint of unlawful discrimination or harassment based upon religious affiliation, race, national origin, age, sex, handicapped or veteran's status is not resolved through the procedures outlined in Rule 4, Discrimination in Employment, the employee may file a grievance with the Commission in accordance with Rule 22.2.
- B. If the grievance alleges misinterpretation or misapplication of the Rules, departmental work rules, unsafe or unhealthy working conditions, a grievance may be filed in accordance with Rule 22.3.
- C. If an employee complaint alleges improper suspension, demotion, reduction in pay, or dismissal on any grounds including alleged unlawful discrimination, the Appeal Process shall be used.

22.2 Grievance Procedure for claims of discrimination or harassment.

- A. Within ten (10) calendar days after the employee has been informed of the remedial action taken in response to an allegation of unlawful harassment or discrimination filed under Rule 4, the employee may grieve the action by requesting a review of the determination by the Gila County Personnel Commission. The employee must request the review and relief requested on the Gila County Grievance form and submit it to the Director. The Commission shall designate one of its members to investigate and hear the complaint and provide the Commission with a report. The Commission shall review the report on the complaint and issue a final determination in writing upholding or reversing the report. The Director shall furnish a notice of the final determination to the employee and the Appointing Authority within ten (10) calendar days of the determination by the Commission.

22.3 Grievance Procedure for other issues.

- A. The grievance procedure may not be used:
 - 1. By employees on original probation, except in cases alleging illegal discrimination or compelled participation in any election campaign for public office or partisan political activity.

2. For matters involving compensation, classification schedules, classes of positions, personnel records, performance appraisals, reprimands or employee counseling.
 3. For matters involving dismissal, demotion, or suspension.
- B. All time frames specified on the form shall be met. If the immediate supervisor or department head fail to meet the time frame requirements, the employee has the right to take the grievance to the next step. If the employee fails to meet the time requirements, the grievance shall be deemed abandoned.
- C. The four steps of the Grievance Procedure are as follows:
1. Using the "Employee Grievance Form," the employee shall state the grievance and the remedy requested. A copy shall be given to the immediate supervisor and a copy sent to the Director within five (5) working days of the incident giving rise to the grievance. The immediate supervisor shall respond in the designated portion of the form and send a copy to the employee and the Director within five (5) working days of receipt.
 2. If the employee disagrees with the supervisor's response, the Grievance Form shall be sent to the Appointing Authority within five (5) working days of the supervisor's response to Step 1. The Appointing Authority shall respond by completing the designated section of the form and sending a copy to the employee and the Director within five (5) working days of receipt of the employee's Step 2 grievance. If the employee disagrees with the Appointing Authority's response and desires to continue the grievance process, the specific reason shall be indicated on the form. The employee may then proceed to Step 3.
 3. Within five (5) working days of receipt of the Appointing Authority's response, the employee shall submit the Grievance Form to the Director. The Director shall complete his/her section of the form by making a recommendation and return it to the employee, with a copy to the Appointing Authority, within five (5) working days of receipt of the employee's Step 3 grievance. If the employee or Appointing Authority disagrees with the recommendation of the Director at Step 3, and desires to continue the grievance process, the employee or Appointing Authority shall indicate the disagreement on the Grievance Form. An appeal to Step 4 must be filed within ten (10) working days of receipt of notice of action taken by the Director.
 4. The Grievance Form shall be resubmitted to the Director who will notify the Personnel Commission within five (5) working days. The Appointing Authority or designee shall be considered the respondent and shall be served with a copy of the form.

22.4 Appeals

A. Matters That May be Appealed

1. A regular status employee, except as otherwise provided in these Rules, may appeal an action resulting in dismissal, demotion, reduction in pay, or suspension on any grounds including alleged unlawful discrimination. Within ten (10) calendar days of receipt of written notice of the action, Respondent may serve an amended notice of disciplinary suspension, demotion, or dismissal prior to the beginning of the Appeal hearing.
2. Matters not specifically stated in this Rule cannot be appealed.

22.5 Appeal Procedure

- A. Filing the Appeal. Appeals to the Commission must be filed with the Director in writing within ten (10) calendar days of the receipt of written notice of demotion, disciplinary suspension, or termination. In the event the prescribed deadline falls on a non-working day, the deadline shall be 5:00 p.m. of the next regularly scheduled working day of the Personnel Department. Failure to file a timely appeal is a jurisdictional defect and the Commission will not hear such appeal. The appeal shall state the facts upon which it is based and the remedy requested. Within ten (10) days of the hearing, or at the time the names of witnesses are submitted for subpoena, the appellant shall state the reason each witness is being called and the testimony being offered. The Appellant's Appointing Authority shall be considered the Respondent. The Director shall forward a copy of the appeal to the Respondent.
- B. Initial Determination of Jurisdiction. The Director, in conjunction with appointed counsel for the Personnel Commission, shall make an initial determination of whether or not the Commission has jurisdiction over the appeal under these Rules.
 1. If it is determined by the Director that the Commission does not have jurisdiction, the Director shall so notify the employee in writing.
 2. If it is determined that the Commission does have jurisdiction, the hearing shall be scheduled in accordance with these Rules.Any party disputing this initial determination of jurisdiction must file written notification with the Director within ten (10) calendar days of receipt of the notice from the Director. The dispute shall be heard in accordance with Rule 22.5(H)(2).
- C. Answer to Appeal. The Respondent need not file an answer to the appeal. If an answer is filed prior to the hearing, the Director shall send a copy to the Appellant. Within ten (10) days of the hearing, or at the time the names of witnesses are submitted for subpoena, the respondent shall state the reason each witness is being called and the testimony being offered.

- D. Hearing Officers. The Commission or its chair may assign appeals to a Commission member who shall be the Hearing Officer. When an appeal is so assigned, the Hearing Officer shall be the authorized representative of the Commission and is fully empowered to grant or refuse extensions of time, to set the proceedings for hearings, to conduct the hearing, and to take action in connection with the proceedings which the Commission itself is authorized to take by law or by these Rules other than making the final findings and decisions. No assignment of an appeal to a Hearing Officer shall preclude the Commission or its chair from withdrawing it and conducting the hearing itself or from reassigning an appeal to another Hearing Officer. The Hearing Officer shall prepare and submit a Hearing Officer's report. Said report shall be submitted to the Director for transmittal to the Commission not less than fifteen (15) working days prior to the Commission meeting during which action on the appeal is to be taken. Copies of the Hearing Officer's report shall, upon receipt by the Director, be mailed to all members of the Commission and to the employee and the Appointing Authority, and their respective representatives. Written objections to the Hearing Officer's report may be submitted no less than five (5) working days prior to the Commission meeting. The Commission may, at its discretion, take further testimony or hear arguments at the Commission meeting.
- E. Time for Hearing. Every hearing on an appeal shall commence within twenty (20) calendar days from receipt by the Director, unless the time is extended by mutual agreement, or for other good cause as determined by the Commission.
- F. Notice of Hearing. Written notice of the time, date, place of hearing, and the name of the Hearing Officer, may be mailed or delivered personally by the Clerk of the Commission to the Appellant and the Respondent. If the notice is mailed, it shall be mailed at least ten (10) calendar days before the date of such hearing. If the notice is delivered personally, written acknowledgment of the time of receipt by the employee shall be obtained or verified.
- G. Continuance of Hearing.
1. Either Respondent or Appellant may request that a hearing set pursuant to these Rules be continued. Such a request must be submitted in writing to the Clerk of the Commission five (5) calendar days prior to the date set for the hearing. The Clerk of the Commission must send copies to all concerned parties, together with an Order for Continuance to be signed by a member of the Commission so designated by the Commission to sign such orders.
 2. Failure to request a continuance in conformance with these Rules and subsequent failure by either party to appear at the time and place set for hearing shall be grounds for dismissal of the case upon motion of either party or on motion to the Commission or to the Hearing Officer.

H. Nature of Hearing

1. Each hearing shall be held pursuant to A.R.S. §38-431 and shall be closed unless the Appellant requests an open hearing as provided by A.R.S. §11-356. Any party may represent him/herself or be represented by legal counsel. The hearing shall be informal and technical rules of evidence shall not apply to the proceedings, except that irrelevant, immaterial, incompetent or unduly repetitious evidence or evidence protected by the rules of privilege recognized by law, may be excluded. All testimony at the hearings shall be recorded manually or by mechanical or electronic device. The Commission shall pay all charges incurred in connection with the presence of a court reporter or the utilization of mechanical or electronic devices, excluding, however, the costs of the preparation of all or any part of any transcript. The party or parties ordering the transcription shall pay the cost of a copy or copies of any such transcription.
 2. On any appeal hearing, in the event that there is a dispute as to the jurisdiction of the Commission to hear said case, the Hearing Officer or the Commission shall first take evidence with respect to said jurisdictional question. If the Hearing Officer or the Commission concludes that the Commission has jurisdiction to hear the appeal, then they shall proceed to take evidence on all remaining issues. In the event that the Hearing Officer or the Commission concludes that the Commission is without jurisdiction, then they shall terminate said hearing and take no further evidence.
- I. Power of Subpoena. The Hearing Officer or Commission may request the chairman of the Board of Supervisors to issue subpoenas to compel attendance of any person and the production of any books, papers or any other evidence relating to any investigation or hearing authorized by these Rules in accordance with the power of the Board pursuant to A.R.S. §11-218.
- J. Exclusion of Witnesses. Upon the motion of any Appellant or Respondent, the Hearing Officer or Commission may exclude from the hearing room any witnesses not at the time under examination but a party to the proceedings. The Appellant, Respondent, their attorneys or other representatives, shall not be excluded.
- K. Witness Fees. Witnesses, other than employees, who are subpoenaed to attend a hearing or investigation, are entitled to the same fee as is allowed witnesses in civil cases of the State of Arizona. If any Hearing Officer on his/her own motion subpoenas a witness, fees and mileage may be paid from funds of the Commission upon presentation of a duly executed claim. If a witness is subpoenaed upon request of the Appellant or Respondent, the requesting party shall pay the fees and mileage of the witness. Reimbursements to County employees subpoenaed as witnesses shall be limited to payment of mileage, if appropriate, by the party requesting the witness.

- L. Depositions. If a witness does not reside within Gila County or within one hundred (100) miles of the place where the hearing or investigation is to be held, is out of state, or is too infirm to attend the hearing or investigation, any party, at its own expense, may cause a deposition to be taken. If the presence of a witness cannot be procured at the time of the hearing or investigation, the deposition may be used in evidence by either party or the Commission.
- M. Proposed Findings of Fact. Both Appellant and Respondent shall have the right to file with the Commission or its Hearing Officer, at any time prior to the hearing, proposed findings of fact. The Commission or its Hearing Officer shall include a ruling upon findings of fact proposed by any party in its findings of fact.
- N. Findings of Fact; Conclusions of Law; and Order. The Commission shall make written findings of fact, conclusions of law and an order within twenty (20) working days from the conclusion of the hearing. Copies shall be sent to the Appellant and Respondent at their addresses listed in the Commission records or to their legal counsel, if any. In the event the Commission orders the Appellant to be reinstated, it may also award back pay for such periods and in such amounts as the Commission deems appropriate under the circumstances.
- O. Withdrawal of an Appeal. The Appellant may submit a written request to withdraw the appeal at any time prior to the decision by the Commission. Such request shall be filed with the Director.
- P. Decision by Commission. If, after the hearing, a majority of the Commission determines that the appealed action was arbitrary or capricious, the action shall be reversed. Otherwise, the action shall be affirmed.
- Q. Compliance of Appointing Authority. Within ten (10) working days of a notice of decision by the Commission revoking or modifying any order of disciplinary action, the Appointing Authority shall comply with the Commission's decision, and shall render a report to the Director.
- R. Administrative Review. The findings and decisions of the Commission shall be final and shall be subject only to administrative review as provided in A.R.S. §12-901, *et seq.*
- S. Law enforcement officers right to representation, right to evidence on appeal, and right to change of hearing officer or administrative law judge are in accordance with A.R.S. §38-1101. Law enforcement officer means an individual, other than a probationary employee, who is certified by the Arizona Peace Officer Standards and Training board or who is a detention officer or correction officer and who is employed by this state or a political subdivision of this state.

RULE 23 – Attendance, Holidays and Leave

This policy covers all employees in the classified service. Sections 23.7 and 23.12 cover employees in the unclassified service, although nothing in this policy waives the at will status of an unclassified employee.

23.1 Basic Work Week. Except as otherwise provided, the regular basic work week of full-time County employees shall be forty (40) hours, normally consisting of eight (8) hours per day, Monday through Friday. Modifications to this provision, in order to provide essential County services, may be made subject to any federal, state or Constitutional limitations relating to hours of work.

23.2 Holidays.

A. Employees occupying regular positions shall be allowed time off with pay as provided for by County policy for those holidays recognized by Gila County, provided the employee is not on leave without pay on the employee's work days immediately preceding and following the day on which the holiday is observed. Employees required to work holidays in order to provide essential services shall receive for each such holiday worked compensation or compensatory time off as allowed by Federal or State law or as provided in the Gila County Merit System Rules and Policies. The holidays recognized by Gila County are as follows:

1. January 1	New Year's Day
2. Third Monday in January	MLK/Civil Rights Day
3. Third Monday in February	Lincoln/Washington Day
4. Last Monday in May	Memorial Day
5. July 4	Independence Day
6. First Monday in September	Labor Day
7. Second Monday in October	Columbus Day
8. November 11	Veteran's Day
9. Fourth Thursday in November	Thanksgiving Day
10. December 25	Christmas Day

B. Unless otherwise necessary due to circumstances, County offices shall be closed on each of the ten holidays listed above. If Holidays (1), (5), (8) or (10) fall on a Sunday, the holiday shall be observed on the following Monday. If Holidays (1), (5), (8), or (10) fall on a Saturday, the holiday shall be observed on the preceding Friday.

23.3 Leave Time.

A. General

1. The purpose of paid leave time is to allow employees to earn wages up to the amount normally earned by working the employee's regularly scheduled work week.
2. Appropriate types of leave will be allowed to the extent that will ensure payment for a forty (40) hour work week.
3. Leave time will not be used in any manner to generate hours in excess of the normal work week.

23.4 Coverage and Administration of Leave.

- A. Coverage and Exclusions. Employees receiving original appointments are eligible to accrue leave with pay from the date of appointment. Emergency and temporary appointees are not eligible to accrue or use any type of leave with pay. The following employees shall be eligible for leave as indicated:
 1. Employees occupying regular positions who have completed six (6) months of continuous service may be allowed to use accrued annual and sick leave.
 2. Employees working less than twenty (20) hours per week are not eligible to accrue or use annual or sick leave.
 3. Employees on leave without pay do not accrue annual or sick leave for those periods of leave without pay.
- B. Avoiding Forfeiture of Leave. Departments should plan and carry out their functions so that reasonable opportunity is afforded to employees to use accumulated leave time. Authority for approving use of annual and compensatory leave rests with the Appointing Authority.
- C. Forfeiture of Leave.
 1. Annual leave accruals may not exceed two hundred forty (240) hours per employee.
 2. Original probationary employees who do not complete their probationary periods shall forfeit all accrued annual and sick leave.
- D. Reporting and Recording Leave. The Appointing Authority for each department shall be responsible for ensuring that all leave used is properly recorded as established by the Personnel Department.
- E. Leave Requests. Requests to use leave time shall be approved in advance of usage. Departments should establish procedures for emergency requests for leave. No unearned leave shall be approved for payment.
- F. Disposition of Accrued Leave Upon Transfer. Employees who transfer between departments shall retain any accumulated leave time.
- G. Disposition of Accrued leave Upon End of County Service. For those employees eligible to use leave, accrued leave will be disposed of upon completion of County service as follows:

1. Accrued annual leave will be paid at the employee's regular hourly rate.
2. Unused compensatory time will be paid.

23.5 Annual Leave.

A. Rate of Accrual.

1. Regular status full-time employees shall accrue annual time at the following rates:

<u>Years of Continuous Service</u>	<u>Hours Per Pay Period</u>	<u>Hours Per Year</u>	<u>Approximate Days Per Year</u>
1 thru 4	3.08	80	10
5 thru 9	4.62	120	15
10 & over	6.16	160	20

2. Employees prior to January 1, 1987 accruing twenty-five (25) days of annual leave per year will continue at that rate of accrual until termination or retirement.
3. Regular status part-time employees assigned to work at least twenty (20) hours per week but less than full time (forty [40] hours per week) shall accrue annual leave for each two (2) week pay period in which they are in a pay status as follows:

<u>Regularly Scheduled Hours Per Pay Period</u>	<u>Percent of Regular Accrual</u>
40 but less than 48	50
48 but less than 56	60
56 but less than 64	70
64 but less than 72	80
72 but less than 80	90

B. Use of Annual Leave.

1. Employees eligible to accrue annual leave should request leave far enough in advance of the desired time off to allow the employee's department to schedule around such time off so as to meet the needs of the department.
2. Appointing Authorities have the authority to approve or disapprove annual time requested.
3. Annual leave shall not be charged against an employee's accrued leave balance for an authorized holiday which occurs while an employee is utilizing annual leave. The employee should notify the Personnel Department of holidays occurring during annual leave.

- C. Leave Donation. Donation of leave may be made among all levels of County employment and is based on the dollar value of the leave donated. Only annual leave and compensatory leave are subject to donation.
1. An employee is eligible to receive donated leave under the following circumstances:
 - a. All sick leave, annual leave, and compensatory time have been exhausted and;
 - b. The employee is not eligible to receive benefits through a disability insurance program obtained through Gila County and;
 - c. The employee is not eligible to receive payments from the retirement system of which they are a member and;
 - d. The employee is not eligible to receive payments from social security and;
 - e. The employee is not eligible for any publicly funded financial assistance program for disability.
 - f. The employee or immediate family member (as defined under the FMLA) must have a serious health condition as defined under the FMLA.
 2. The dollar ratio of donated leave will be adjusted proportionately to the salaries of the donor and recipient. The Gila County Personnel Department is responsible for making such determination. The recipient is under no obligation to repay the donated hours or monies.
 3. The maximum amount of annual leave that may be donated during any fiscal year is limited to forty (40) hours. The amount of compensatory leave that may be donated is unlimited. The disabled employee may receive donations from any number of donor employees.
 4. If the recipient of the donated hours has a serious health condition, he/she must currently be on an approved medical leave of absence without pay and possess a doctor's certification specifying that the recipient is not yet able to return to work. The recipient must deliver the doctor's certification to his/her Appointing Authority. The recipient must have exhausted all paid sick leave, annual leave, and compensatory time from his/her leave balances.
 5. Procedure:
 - a. To initiate the transfer of leave, the donor must voluntarily request the "Donation of Leave" form from the Personnel Department. He/she must indicate the recipient and then complete the "Donor" portion of the form and sign the form before a Notary Public. After completion of the donor information, the form is forwarded to the recipient's department.
 - b. The recipient's department then completes the recipient's section of the form and attaches the doctor's certificate of unavailability to perform current duties. The completed form is then sent to the Personnel Department for approval.
 - c. The Personnel Department will then verify the doctor's certification (additional information may be requested as necessary). After approval, the original copy of the form is kept by the Personnel Department. Copies will then be forwarded to the Finance Department, the recipient, recipient's department and the donor.

- d. If not approved, the Personnel Department will so indicate reason for disallowance on the form and copies will be distributed to the appropriate parties.

23.6 Sick Leave

A. Rate of Accrual

1. Regular status full-time employees shall accrue sick leave at the rate of ten (10) days per year (three and eight one-hundredths [3.08] hours per pay period). Maximum accrual is unlimited.
2. Employees retiring with at least one thousand (1,000) hours of unused sick leave will be entitled to a \$3,000 sick leave bonus.
3. Regular status part-time employees shall accrue sick leave at the following rates:

<u>Regularly Scheduled Hours Per Pay Period</u>	<u>Percent of Regular Accrual</u>
40 but less than 48	50
48 but less than 56	60
56 but less than 64	70
64 but less than 72	80
72 but less than 80	90

- B. Sick Leave. Employees eligible to accrue sick leave may use sick leave only as provided in these Rules. Sick leave may include any period of absence with pay of an employee under the following conditions:
 1. Illness or injury;
 2. Medical or dental care;
 3. Quarantine or exposure to contagious disease which might be reasonably suspected of endangering others by the attendance of the exposed employee;
 4. Illness or injury of a member of the immediate family which requires the presence of the employee for assistance or care.
 5. Immediate Family is defined as spouse, child, adopted child, stepchild, ward, mother, father, brother, sister, and grandparents or grandchildren or an individual who stands or stood in loco parentis of either employee or spouse.
- C. Verification of Need for Sick Leave. The Appointing Authority may require an employee requesting sick leave to submit documentation substantiating the need for sick leave.
- D. Sick Leave Without Pay. In cases where the employee does not have sufficient leave time accrued to cover disability, such employee may request unpaid leave.

- 23.7 Family and Medical Leaves of Absence: The purpose of the Family and Medical Leave Act of 1993 (hereinafter referred to as Family Leave) is to entitle employees to take up to twelve (12) workweeks of leave during any twelve (12) month period for adoption or childbirth, the placement of a child with the employee for adoption or foster care, or to care for a seriously ill child (son or daughter), parent, spouse or the employee's own illness.
- A. Eligibility:
1. All County employees are eligible for Family Leave if they have been employed with Gila County for:
 - a. At least twelve (12) months; and
 - b. For at least 1,250 hours (156 days) of service with the County during the previous twelve (12) month period.
 2. Under certain circumstances, the highest paid 10% of the work force may be denied Family Leave if such leave would cause an economic hardship for Gila County.
- B. Requirements:
1. An employee shall be entitled to a total of twelve (12) workweeks of leave during any twelve (12) month period for any of the following reasons or combination of the following reasons:
 - a. The birth of a child and in order to care for such child.
 - b. Because of the placement of a child with an employee for adoption or foster care.
 - c. In order to care for the spouse, child or parent of the employee.
 - d. Due to a serious health condition that makes the employee unable to perform the duties of the position held.
 2. Family leave may be taken intermittently or on a reduced schedule if so requested in advance by the employee and approved by the Appointing Authority.
 3. For the purposes of this Rule, a "serious health condition" shall be defined as "an illness, injury, impairment or physical or mental condition" involving either inpatient care or continuing treatment by a certified health care provider. This is for a period of three (3) consecutive days or more.
- C. Paid/Unpaid Leave:
1. Before unpaid Family Leave will be granted, an employee must first exhaust any accrued sick and annual time.
 2. Any paid leave (i.e. annual or sick) granted during a Family Leave period shall be counted towards the annual total twelve (12) workweeks of Family Leave.
- D. Employee Notice:
1. If the necessity for Family Leave is foreseeable by an employee (i.e. expected childbirth, adoption) an employee must provide their Appointing Authority with not less than thirty (30) days notice before the date the leave is to begin.

2. If Family Leave is based on foreseeable and/or planned medical treatment of a spouse, child (son and/or daughter), parent, or an employee's own treatment, an employee must:
 - a. Make a reasonable effort to schedule such treatment as to not disrupt essential operations of the department;
 - b. Provide their Appointing Authority with not less than thirty (30) days notice before the date the leave is to begin.
- E. Husband and Wife – Both County Employees: If a husband and wife are both employed by Gila County, the total aggregate number of workweeks of Family Leave will be limited to twelve (12) total workweeks during any twelve (12) month period for the purposes of caring for a new child or a sick parent.
- F. Medical Certification:
 1. In order for an employee to be granted Family Leave due to medical treatment of a spouse, child (son and/or daughter), parent or an employee's own treatment, a certificate from the health care provider is required. The certificate must include:
 - a. The date on which the condition commenced.
 - b. The appropriate medical facts of the condition.
 - c. If the Family Leave is to be granted for the care or assistance in the recovery from an illness of a child, parent, or spouse, a statement that the employee is needed to provide the care.
 - d. If the Family Leave is to be granted for an employee's own treatment, a statement that the employee is unable to perform the duties of his/her position.
 - e. For planned employee intermittent leave or reduced work schedule, the dates and duration of each period, what treatment is expected, and a statement of the medical necessity.
 - f. A statement that the leave is necessary for planned intermittent or reduced work schedule time for the care or assistance in the recovery from illness of a child, parent, or spouse.
 2. Statements from health care providers shall be given to the Personnel Department for review and approval.
 3. Gila County reserves the right to have the employee obtain a second opinion, or third opinion if necessary, at Gila County's expense, regarding certifications by providers.
 4. Employees on Family Leave are required to inform their Appointing Authority at least every thirty (30) days as to their status and possible return to work. Gila County reserves the right to require an employee to obtain subsequent re-certification(s) from a health care provider on a reasonable basis as deemed necessary by the Appointing Authority and after review by the Director.
- G. Replacement During Family Leave: Gila County reserves the right to replace an employee, on a temporary or permanent basis, while such employee is on Family Leave.

H. Return From Family Leave:

1. As a condition of restoration, an employee returning from Family Leave must provide his/her Appointing Authority with a certification from the attending health care provider that they can return to work. The certification must outline what duties and restrictions the returning employee can assume (i.e. normal duties, can lift only 10 pounds, etc.).
2. An employee returning from Family Leave shall be:
 - a. Restored to the same position held when the leave commenced, or;
 - b. Restored to a comparable position with equivalent benefits, pay, etc.

I. Health Benefits:

1. Employee Coverage:
 - a. For an employee on Family Leave, Gila County shall maintain and continue to pay for the employee's medical coverage under the Gila County employee health plan.
 - b. If the employee is released by his/her health provider and fails to return from Family Leave after the period of leave expires, all premiums paid for group health coverage during the period of unpaid Family Leave may be recovered from the employee.
2. Medical Insurance Premiums: Employees on Family Leave who have health coverage shall bear the responsibility to maintain and continue to pay for medical coverage if the employee so chooses. Arrangements to pay for medical coverage are to be made with the Personnel Department prior to the commencement of the Family Leave.

J. Leave Accruals: Annual and sick leaves shall not accrue during a period of unpaid Family Leave.

K. Twelve Month Period is a "rolling" twelve (12) month period measured backward from the date an employee uses any leave under the Act.

23.8 Leaves of Absence With Pay. Employees may be granted leaves from work with pay under the following provisions. Pay granted shall not be charged to the employee's accrued sick, vacation, or compensatory leave credits.

- A. Regular status County employees called to serve upon a jury during their work hours. Any federal jury pay (excluding reimbursement for miles traveled, food, and/or lodging) received by such employee must be turned over to the Treasurer's Department and a Treasurer's receipt furnished to the Personnel Department. County jury pay is mileage only.
- B. Leave with pay up to three (3) hours of duty time may be utilized for voting by an employee who is qualified to vote on primary and general election days.
- C. Leave with pay for County business requiring an employee to be absent from the County more than one day, except for established or routine duties, may be granted with approval of the Appointing Authority.
- D. Leave with pay to attend trade, professional, or other meetings which directly relate to official duties may be granted with approval from the Appointing Authority.

- E. An Appointing Authority may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Governor, or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment.
- F. An Appointing Authority may grant administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.
- G. Bereavement Leave. In the event of the death of a member of the immediate family, up to twenty-four (24) hours of paid leave may be granted. Up to forty (40) hours of paid leave may be allowed for circumstances requiring substantial travel.
- H. For the purposes of Bereavement Leave, Immediate Family means spouse, child, adopted child, stepchild, ward, mother, father, brother, sister, and grandparents or grandchildren or an individual who stands or stood in loco parentis of either employee or spouse.

23.9 Leaves of Absence Without Pay

- A. Educational Leave. Leave without pay may be granted for reasonable periods of time (normally not exceeding one [1] year) to enable employees to attend work-related education and training courses. Educational leave without pay may be granted by the Appointing Authority after the Personnel Director has certified that such leave is in the best interest of the County.
- B. Personal Leave. Up to six (6) months leave without pay for personal reasons may be granted upon approval of the Board of Supervisors and with concurrence of the Appointing Authority when fully justified in writing by the employee.
- C. Return From Leave Without Pay. An employee's right to return from leave without pay to a position in the County service shall be conditioned upon the availability of an appropriate position and sufficient appropriation. Any unused accruals shall be reinstated at the time of return to duty.

23.10 Military Leave. An employee who requests absence with pay on military leave pursuant to A.R.S. §26-168, 26-171, or 38-610, shall submit a copy of the orders for duty with the request for military service.

23.11 Absence Without Leave

- A. Any unauthorized absence of an employee from duty shall be considered an absence without leave and deduction of pay may be made for such absence.
- B. Any unauthorized absence shall constitute grounds for disciplinary action up to and including dismissal.

- C. Any employee who is absent for three (3) or more consecutive days without authorized leave is automatically considered to have abandoned the position. When extenuating circumstances are found to have existed, such absence may be covered by leave with or without pay by the Appointing Authority with concurrence of the Personnel Director.

23.12 Workers Compensation Leave

A. Use of Leave.

1. An employee who sustains a job-related “medical only” injury that is compensable under the Workers’ Compensation Law, Title 23, Chapter 6, A.R.S., or who is returned to modified or light duty, shall be required to use any available sick or annual leave when receiving medical treatment during the employee’s normal working hours unless the employee has been directed by the County to report to the treatment facility (as in the case of an independent medical examination). In this case, the employee will be paid his/her regular wage from the department budget.
2. An employee who sustains a job-related lost time injury that is compensable under the Workers’ Compensation Law, Title 23, Chapter 6, A.R.S., shall be placed on sick leave unless the employee has an available compensatory time balance.
3. The employee may elect to use compensatory leave, if available. Once available compensatory leave is exhausted or the employee chooses to no longer draw from the account, the employee will be placed on sick leave and finally annual leave until these leave accounts have been exhausted.
4. If eligible, the employee will be placed upon Family Medical Leave. Note: FMLA will not be charged against any time off in which the employee is using accrued compensatory time.
5. After all leave accounts are exhausted, the employee shall be placed on leave without pay.

B. Payments.

1. An employee shall use leave in an amount necessary to receive total payments (leave payments plus Workers’ Compensation payments) not to exceed the gross salary of the employee.
2. If the employee receives a retroactive Workers’ Compensation payment for the initial five day period of industrial injury, and for that period has received leave payments, the employee shall reimburse the County for five days of Workers’ Compensation payments, and the equivalent value of leave shall be restored to the employee’s appropriate leave account.

- C. Modified or Light Duty. In the event of an industrial injury that prevents an individual from performing their regular duties, modified or light duty may be offered at the discretion of the County. The County will first attempt to place the employee on modified or light duty within his/her originating department. If no modified or light duty is available in the originating department, the County may place the employee in another department. Regardless of the department the employee is placed in, wages

will be paid from the originating department's budget. An employee who is offered modified or light duty who is currently on Family Leave will not be required to accept the modified or light duty. However, they may forfeit future workers compensation payments. All light duty positions are temporary in nature to be reviewed every thirty (30) days.

- D. Restriction. Sick leave with pay or leave without pay shall not be granted to an employee who fails to accept compensation available pursuant to the industrial injury and disease provisions of A.R.S. §23-901 to 23-1091.
- E. Health Benefit Plan Participation.
 - 1. An employee who is on leave without pay due to an industrial disability may continue to participate in the Health Benefit Plan for a maximum of six months by paying the employee contribution.
 - 2. At the end of this six month period, an employee who remains on leave without pay due to industrial disability may continue to participate in the Health Benefit Plan by paying both the employer and employee contributions, until the employee returns to work or is determined to be eligible for Medicare coverage or Long Term Disability, whichever occurs first.
- F. Disability Income Insurance Plan Participation. An employee who is on leave without pay may continue to participate in the Disability Income Insurance Plan by paying the premium.
- G. Termination. The insurance coverage of an individual on leave without pay who allows payment of the premiums or contributions to become delinquent shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.
- H. Accrual of Leave. An employee shall continue to accrue full leave credits as long as the employee is using two or more hours of leave each day.

RULE 24 – Overtime Pay and Compensatory Leave

24.1 Approval of Overtime Work. All work in excess of 40 hours per week or in excess of an established work period must be approved by the Appointing Authority.

24.2 Non-Exempt Employees.

- A. An employee in a non-exempt position who works in excess of 40 hours per week or in excess of an established work period shall be compensated by either:
 - 1. Additional pay at the rate of one and one-half times the employee's regular rate for each excess hour worked, or;
 - 2. Compensatory leave at the rate of one and one-half hours for each excess hour worked.
- B. The Appointing Authority shall determine if the excess hours are to be compensated by overtime pay or compensatory leave, unless the employee's compensatory leave balance has reached the maximum allowed in Subsection 24.3 below, in which case the employee must be compensated by overtime pay.

24.3 Maximum Accumulation. The maximum number of hours of accumulated compensatory leave is:

- A. 160 hours for employees who work in a public safety activity, or 80 hours for employees who work in any other activity
- B. Compensatory time that has remained unused for a period exceeding six months shall be paid to the employee.

24.4 Payment Upon Termination of Service. An employee who has unused compensatory leave at the time of termination from county service shall receive compensation for each hour of such compensatory leave at the higher rate of:

- A. The average rate received by the employee during the last three years of the employee's employment, or;
- B. The final rate received by the employee.

24.5 Scheduling Compensatory Time.

- A. Employee requests for compensatory time will be scheduled within a reasonable period of time so long as they do not unduly disrupt the operations of the department in which the employee works.
- B. An employee who has accrued compensatory time will be required to charge all scheduled paid time off (with the exception of sick time) against their compensatory time balance.
- C. An Appointing Authority may require employees to take time off to reduce compensatory time balances.

24.6 Transfer.

- A. An employee who is transferred to another department within Gila County shall transfer all accumulated and unused compensatory leave to the employee's compensatory leave account in the new department.
- B. An employee who is transferred to another funding source within Gila County shall be paid all accumulated and unused compensatory leave to the employee's compensatory leave account in the new department.
- C. An employee who changes from non-exempt to exempt status shall be paid the balance of compensatory time upon transfer.

RULE 25 – Americans With Disabilities Act

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

25.1 ADA Non-Discrimination: Gila County maintains non-discrimination in recruitment, employment, job assignment, compensation, benefits, performance evaluation, promotion, demotion, training, leaves, layoffs, terminations and in other actions and practices affecting applicants and employees. Also, Gila County does not discriminate against applicants or employees due to their relationship or association with an individual with a known disability. Gila County does not discriminate against employees nor prospective employees with legally protected disabilities. Legally protected disabilities include:

- A. A physical or mental impairment that substantially limits one or more major life activities;
- B. Having a record of such an impairment; or
- C. Being regarded as having such an impairment.

25.2 Reasonable Accommodation:

- A. When it has been determined that an individual(s) with a protected disability is the best qualified candidate for an open position, but they are unable to perform one or more of the “essential functions” of the job without reasonable accommodation, Gila County will consider requests for reasonable accommodation which would permit the candidate to perform the assigned duties.
- B. Potential reasonable accommodations(s) will be evaluated based on their effectiveness in facilitating safe and successful job performance as well as associated costs of the accommodation(s).
- C. Gila County will not undertake accommodations(s) that would cause or result in an undue hardship to Gila County.

25.3 Reassignment of Current Employees:

- A. If a current employee is not able to perform their normal job duties subsequent to a disability, the employee will be considered for other current job openings for which the employee is qualified and which the employee is able to perform.
- B. In the event the employee’s disability is covered under the ADA, reasonable accommodation(s) will be considered.
- C. If reasonable accommodation(s) are not possible, the employee will be considered for other available positions for which they are qualified and which the employee is able to perform even if the position is not in the same job classification and grade.

- D. In the event that a position is offered but refused by the employee, the employee's employment will be terminated.

25.4 Responsibility: It shall be the responsibility of the Director to assure that this policy is adhered to.

- A. If an employee or prospective employee believes they have a legally protected disability and feel they have been discriminated against due to that disability, or feel they have been discriminated against due to their relationship or association with an individual with a known disability, they are to contact the Gila County Personnel Director, 1400 E. Ash Street, Globe, Arizona 85501.
- B. All complaints will be treated confidentially and investigated carefully. Each employee or prospective employee will be notified as to the outcome of the investigation and any action that will be taken as a result.
- C. An employee or prospective employee will in no way be affected by reporting their concern to the Director.

25.5 Request for Reasonable Accommodation:

- A. If an employee or prospective employee has a disability that is covered by the ADA, they may request reasonable accommodation for four (4) purposes:
 - 1. To complete the pre-employment application process.
 - 2. To take an examination.
 - 3. To perform essential function(s) of the job.
 - 4. To have the same benefits and privileges of non-disabled employees.
- B. Requests for reasonable accommodation should be submitted to the Director.
- C. When the Personnel Department is not involved in the interviewing process and an applicant requests a reasonable accommodation for any reason, Personnel should be consulted prior to any accommodation being given.
- D. No reasonable accommodation should be granted by a department before it is discussed with Personnel.
- E. Some reasonable accommodation(s) may require the approval of the Board of Supervisors prior to being granted.

Rule 26 – Workplace Violence

This policy covers all employees in the classified and unclassified service as defined in the Gila County Merit System Rules and Policies Manual without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at will status of an unclassified employee.

- 26.1 Policy. It is Gila County's policy to promote a safe environment for its employees. Gila County is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.
- 26.2 Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.
- 26.3 Reporting. If you observe or experience violent, threatening, harassing, intimidating, or other disruptive behavior by anyone in the workplace, whether he/she is a county employee or not, report it immediately to a supervisor or manager. Supervisors and managers who receive such reports must notify the Personnel Department immediately. The Director will expedite an investigation of the incident and initiate appropriate action.
- 26.4 Threats or assaults that require immediate attention by security or police should be reported first to the Gila County Sheriff's Office or other law enforcement agency as appropriate.**

GILA COUNTY EMPLOYEE PERSONNEL MANUAL

I have read and understand the policies as set forth in the Gila County Merit System Rules and Policies. I agree to abide by these Rules and Policies.

Employee's Signature

Date

THIS PERSONNEL POLICY MANUAL DOES NOT CREATE A CONTRACT OF EMPLOYMENT BETWEEN THE COUNTY AND THE EMPLOYEE. ITS PROVISIONS ARE DESCRIPTIVE OF THE TERMS OF EMPLOYMENT. PROCEDURES AND BENEFITS ARE SUBJECT TO PERIODIC REVISION BY THE BOARD OF SUPERVISORS. PAY PROVISIONS ARE SUBJECT TO CONTINUING APPROPRIATIONS, AS IS UNINTERRUPTED EMPLOYMENT.